

North Carolina Innocence Inquiry Commission Brief for

State v. Willie J. Grimes Catawba County 87CRS13541-42

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I. Format for Brief and Hearing

On April 2, 3, and 4, 2012, the North Carolina Innocence Inquiry Commission (“Commission”) will conduct a hearing in this case. By statute and rule, hearings are presumed closed, but may be opened by the Commission Chairperson. N.C.G.S. § 15A-1468(a) and NCCIC Rules and Procedures Article 6(D). A court reporter will be present at the hearing and if the Commission decides to refer the case to a three-judge panel, all files considered by the Commission and the transcript of the proceedings shall become public record. N.C.G.S. § 15A-1468(e).

This brief is submitted to the Commissioners prior to the hearing with the request that each Commissioner carefully review and note any questions in preparation for the hearing. The brief covers information about the case available prior to the investigation by the Commission staff. The hearing will focus on evidence uncovered during the Commission’s investigation. The Commission has subpoenaed multiple fact and expert witnesses for this hearing.

This brief is formatted differently than past Commission briefs. Due to the structure of the investigation, it became necessary to include large documents as appendices. The appendices are located at the end of the brief.

As always, the Commission will be asked to consider the following options:

1. Conclude that there is sufficient evidence of factual innocence to merit judicial review and refer the case to a three-judge panel pursuant to N.C.G.S. § 15A-1468(c).
2. Conclude that there is not sufficient evidence of factual innocence to merit judicial review and close the investigation pursuant to N.C.G.S. § 15A-1468(c). Evidence favorable to the convicted persons would be disclosed to them and their attorneys pursuant to N.C.G.S. § 15A-1468(d).
3. Direct the staff to conduct further investigation into this case and continue the hearing to a later date.

II. Hearing Witnesses

The following people are expected to be called to testify for the April 2, 3, and 4, 2012 hearing:

- Willie Grimes, Claimant
- Steve Hunt, Ret. Police Investigator
- Dustin Nowatka, Hickory Police Department Investigator
- Brian J. Delmas, SBI Forensic Scientist (Fingerprint Analyst)
- Troy Hamlin, Former SBI Hair Analyst
- Max Hauck, Ph.D., Expert on Hair Analysis
- E.X. de Torres, Trial Attorney
- Betty Shuford Hairston
- Helen (Linda) Shuford McDowell

III. Introduction to the Case

On the evening of October 24, 1987, Carrie Elliott, a 69 year-old white woman, was home alone in her apartment in Hickory, North Carolina. After 9:00 p.m., someone knocked on Ms. Elliott's door and a black male pushed his way into her apartment. The intruder raped Ms. Elliott on the sofa in her living room. He then dragged Ms. Elliott to her bedroom and raped her again on the bed. As he left, the intruder took some fruit from the bowl on the kitchen table..

Ms. Elliott telephoned her daughter-in-law and asked her to call the police. The police arrived and conducted a canvas with no results. Ms. Elliott's family took her to the hospital and police followed.

The night of the rape, police showed Ms. Elliott a photo lineup that included a 1985 booking photo of a man named Albert Turner. Ms. Elliott said that none of the people in the photo lineup were the attacker. Ms. Elliott later described her attacker to her next door neighbor, Linda McDowell. Ms. McDowell told Ms. Elliott that she may know who the attacker was based on the description. Ms. McDowell later told the police that Willie Grimes fit the description given by Ms. Elliott. Ms. Elliott was shown a second photo lineup that included Willie Grimes and she selected him from the photo lineup.

The police collected various pieces of evidence from the crime scene. Two banana peels were found outside Ms. Elliott's apartment back door and were not collected. An apple core was collected, taken to the police station and thrown into a trash can. None of the discarded fruit was checked for fingerprints or other evidence. Fingerprints were lifted from other locations in the apartment. The only two prints determined to be of value were from one of the bananas that was next to the empty fruit bowl on Ms. Elliott's kitchen table. Those fingerprints were compared to

Willie Grimes without a match. The prints were not compared to any other individuals, including Ms. Elliott.

At the request of Mr. Grimes, the hairs collected from the scene were analyzed by the State Bureau of Investigation (SBI). Thirteen hairs were determined to be from an African American person. Of those hairs, 12 were fragments. One was of sufficient length for comparison to Mr. Grimes' hair. The SBI determined this hair to be microscopically consistent with Mr. Grimes' hair and concluded that it could have originated from him.

At the trial, Mr. Grimes presented alibi witnesses who described his activities on the night of the rape. Mr. Grimes also testified in his own defense that he was with his alibi witnesses the night of the rape and did not rape Ms. Elliott. Mr. Grimes was convicted of two counts of first degree rape and one count of second degree kidnapping.

In the years following his conviction, Mr. Grimes applied to various agencies and attorneys seeking post-conviction assistance. Several agencies attempted to locate the physical evidence for testing. However, none of the evidence could be located and it appeared to have been destroyed.

In 2010, the North Carolina Innocence Inquiry Commission (Commission) opened a claim for Mr. Grimes. The Commission worked with the Hickory Police Department (HPD) and HPD was able to locate the two fingerprints found on a banana at the crime scene. The other physical evidence could not be located. The Commission worked with the Catawba County District Attorney's Office to have the two fingerprints compared to the fingerprint database known as the Automated Fingerprint Identification System (AFIS). The AFIS search returned a hit on one print to Albert Turner. The SBI then conducted a direct comparison to both fingerprints and confirmed that both prints matched Albert Turner.

The Commission worked with HPD to investigate the case and the significance of the fingerprint comparison results. The Commission's investigation will be presented in the hearing on April 2, 3, and 4, 2012.

IV. Timeline

Date and Time (if known)	Event / Description
October 24, 1987 Saturday After 9 p.m.	A black male pushes his way into Ms. Elliott's apartment and rapes her twice.
October 24, 1987 Saturday 9:17 pm	Ms. Elliott calls her daughter-in-law, who contacts the police.
October 24, 1987 Saturday Exact Time Unknown	The police respond. An officer obtains a description of the rapist and canvasses nearby area.
October 24, 1987 Saturday Exact Time Unknown	Ms. Elliott's family takes her to the hospital.
October 24, 1987 Saturday Exact Time Unknown	Another officer interviews Ms. Elliott at the hospital.
October 24, 1987 Saturday 10:30 p.m.	Physical evidence is collected from the crime scene.
October 24, 1987 Saturday 11:49 p.m.	An officer interviews Ms. Elliott at the police station and obtains another description. The officer shows Ms. Elliott a lineup that includes a 1985 photo of Albert Turner. Ms. Elliott says "none of the pictures in the lineup was the suspect."
October 26, 1987 Monday 12:15 p.m.	Ms. Elliott speaks with police and says her neighbor, Linda McDowell, may know the name of the rapist, but Ms. McDowell will only provide it to police. Ms. Elliott provides more details about the attack and the rapist.
October 26, 1987 Monday 12:50 p.m.	Ms. Elliott's daughter-in-law calls police to say they went by Linda McDowell's (and her boyfriend Willie Mason's) apartment and were told they would be home later.
October 26, 1987 Monday 4:10 p.m.	Linda McDowell calls police. She says she knows a man that fits the description. She agrees to meet at the police station later that evening and provide the name.
October 26, 1987 Monday 4:30 p.m.	Linda McDowell meets with the police and she names Mr. Grimes as fitting the description. She says he has a large mole on left side of his face. She also says that Betty Shuford told her (McDowell) that Mr. Grimes was wearing a green pull-over that night.
October 26, 1987 Monday 8:15 p.m.	Ms. Elliott is shown a photo lineup. Ms. Elliott views the photos for 15 seconds and picks Mr. Grimes. She says the only difference is his hair was longer than in photo and she cannot see a mole in the photo.

October 27, 1987 Tuesday	Warrants are taken out on Mr. Grimes for two counts of first degree rape, first degree kidnapping, first degree burglary, and common law robbery.
October 27, 1987 Tuesday	An officer goes to Brenda Smith's home, where Mr. Grimes is staying, looking for Mr. Grimes. Mr. Grimes is not home. Brenda Smith tells Mr. Grimes that police are looking for him when he arrives home.
October 27, 1987 Tuesday	Mr. Grimes comes to the Hickory Police Department and is arrested.
October 28, 1987	Mr. Grimes has his first court appearance.
October 29, 1987	Ms. Elliott contacts police and says that her wristwatch is missing.
November 17, 1987	A Probable Cause hearing is held. Ms. Elliott testifies and states Grimes looks like her attacker.
November 25, 1987	The SBI completed their first report and concludes that no semen is found in Ms. Elliott's clothing or the rape kit.
December 14, 1987	The Grand Jury returns the first set of indictments.
February 22, 1988	The Grand Jury returns a second set of indictments superseding the first set. Mr. Grimes is indicted for first degree burglary, two counts of first degree rape, first degree kidnapping, and common law robbery.
April 6, 1988	Mr. Grimes' attorney files a Motion for Comparison of Physical Evidence and follows up with the DA's Office.
May 24, 1988	A nontestimonial identification procedure (suspect kit) is done on Mr. Grimes at the request of the defense.
June 28, 1988	The SBI completes the second report and concludes that a hair found at the scene could have originated from Mr. Grimes.
July 5-8, 1988	The trial is conducted. The jury convicts Mr. Grimes of two counts first degree rape, and second degree kidnapping.
July 12, 1988	Mr. Grimes is sentenced to life plus nine years.
July 20, 1989	Mr. Grimes files a pro se Motion for Appropriate Relief based on plain error. There is no known ruling.
July 31, 1989	Mr. Grimes requests post-conviction help from Prisoner Legal Services.
January 31, 1989	The record on appeal is filed with the Court of Appeals.
December 5, 1989	The Court of Appeals issues the opinion that there was no error.
October 3, 1990	The Supreme Court denies Writ of Cert to review.
August 5, 1991	Prisoner Legal Services closes Mr. Grimes' case, although correspondence continues.
January 26, 1994	Mr. Grimes files a pro se post-conviction Motion for Appointment of Counsel.
March 25, 1994	Mr. Grimes applies for relief with the Governor's Office.
June 23, 1994	Mr. Grimes' Motion for Appointment of Counsel is denied.
December 7, 1995	The North Carolina Supreme Court denies pro se Petition for Writ of Cert.
January 18, 1996	Mr. Grimes files Writ of Habeas Corpus.
September 13, 1996	The Petition for Writ of Habeas Corpus is dismissed for failure to state a claim.

March 24, 1997	Mr. Grimes asked Prisoner Legal Services to assist him with a Petition for Habeas Corpus.
April 29, 1997	Prisoner Legal Service denies assistance.
May 22, 1998	Mr. Grimes' family hires an attorney who files a Motion for Appropriate Relief based on Ineffective Assistance of Counsel.
July 1, 1998	The Motion for Appropriate Relief is denied.
January 15, 2003	Mr. Grimes' friend contacts another attorney who reviews documents and contacts the NC Center on Actual Innocence.
June 9, 2003	The NC Center on Actual Innocence contacts Mr. Grimes and he applies to the Center.
July 25, 2007	The Denver Post publishes an article on the case as part of a series about missing evidence in criminal cases.
September 22, 2010	The NC Innocence Inquiry Commission opens a file on Mr. Grime's case and sends him a questionnaire and consent form.
October 18, 2010	The Commission receives Mr. Grimes' questionnaire and consent form.
October 5, 2011	The Commission asks Hickory Police Department to conduct an evidence search.
October 13, 2011	Two latent fingerprints are located at the Hickory Police Department.
October 18, 2011	At the Commission's request, the District Attorney asks for fingerprint analysis and AFIS database upload.
October 20, 2011	The fingerprints are submitted to the SBI for analysis.
December 13, 2011	The Commission receives the results of the fingerprint analysis.
December 13, 2011	The Commission's Director moves the case into formal inquiry.
December 21, 2011	Mr. Grimes and his attorney complete the "Waiver of Procedural Safeguards and Privileges" form and the case is officially in formal inquiry.

V. Police Department Investigation

Police File

On October 24, 1987, Carrie Elliott was raped twice in her apartment in Hickory, North Carolina. The HPD conducted an investigation that included interviews, fingerprint analysis, and scientific testing.

Analysis at the State Bureau of Investigation (SBI) failed to reveal the presence of semen on Ms. Elliott's clothing or rape kit. Hair analysis was conducted on hairs found at the crime scene. One hair was identified as "a Negroid head hair which was found to be microscopically consistent with the head hair of Willie Grimes." The report further states, "Accordingly, this hair could have originated from Willie Grimes."

The entire police file, as provided by HPD, is included as Appendix A. Duplicate copies have been removed and the reports were rearranged into chronological order.

A summary of the descriptions obtained from Ms. Elliott was created by the Commission staff and is provided as Appendix B.

Appendix C includes the booking photos indicating weight and height for both Willie Grimes and Albert Turner. These booking photos are the only physical descriptions of Mr. Grimes and Mr. Turner from around the time the rape occurred. Please be aware that the photo of Mr. Turner used in the lineup was from March 31, 1985.

Investigator Hunt's File

One of the investigators originally assigned to the case was Inv. Steve Hunt. When the Commission staff interviewed now retired Inv. Hunt, he provided a copy of his file. Inv. Hunt's file included additional documents that were not in the HPD file. Inv. Hunt's file is included as

Appendix D. Please note that duplicative documents found in the HPD file are not included in this appendix.

There are reports from other cases mixed in with Inv. Hunt's file. It is unknown if this was an accidental mix up or if the other cases were somehow related to this investigation. Commission staff and Inv. Hunt will provide further information about this at the upcoming hearing.

It is unknown if Inv. Hunt's file was provided to the state or the defense at trial. Please see Appendix E for correspondence found in Mr. Grimes' attorney's file regarding this issue.

VI. Trial Preparation

Witness Statements

Mr. Grimes' attorney, Edward X. de Torres interviewed a number of alibi witnesses in preparation for trial. Mr. de Torres obtained affidavits from these witnesses in an effort to present them to the prosecutor and seek a dismissal of the charges. The Affidavits are included as Appendix F.

Testing of Physical Evidence

During the time between arrest and trial, Mr. Grimes wrote to his attorney multiple times requesting a trial. Mr. de Torres filed a Motion for Testing of the Physical Evidence and followed up with a letter to the DA's Office. The State submitted the hairs to the SBI for microscopic comparison. These results are included in the HPD file (Appendix A). Once the comparison was complete, the prosecutor sent Mr. de Torres a letter stating that, "one of the hairs found at the crime scene matched with the samples from Mr. Grimes." The actual language

from the report refers to the hair as “microscopically consistent.” The motion and correspondence are attached at Appendix G.

Media Coverage

Two newspaper articles about the case are included as Appendix H.

Probable Cause Hearing

A Probable Cause Hearing was conducted on November 17, 1987. A transcript of the Probable Cause Hearing was not preserved. Mr. de Torres’ notes indicate that Ms. Elliott testified and described her attacker. These notes tend to show that she stated Mr. Grimes looked like her attacker. The handwritten notes of Mr. de Torres are attached as Appendix I.

VII. Trial

Trial Transcript

The entire trial transcript is included as Appendix J. Please be aware that the opening statements were not transcribed. The state’s closing arguments were recorded, but were typed in a separate transcript that is included after the trial transcript. At the end of the trial, Mr. de Torres made a verbal motion for testing of the physical evidence. The judge did not rule on the motion at the time. The Commission’s investigation indicates that there was no follow up on the motion and it was never ruled upon.

At the trial, witnesses testified about the location of Ms. Elliott’s home and the homes of Mr. Grimes’ alibi witnesses. The Commission staff has created a map showing the various residences. The map is included as Appendix K.

Appeal

Mr. Grimes filed a direct appeal through his trial attorney, Mr. de Torres. He argued that the in-court identification by Ms. Elliott was tainted by pre-trial identification procedures. He also made various other assignments of errors based on technicalities. On December 5, 1989, the Court of Appeals issued an opinion finding no error and upheld the convictions.

The North Carolina Supreme Court denied a Petition for Writ of Certiorari and denied review on October 3, 1990.

VIII. Post-conviction

Mr. Grimes continued to pursue other post-conviction relief after his appeals were exhausted. He regularly wrote to his trial attorney, Prisoner Legal Services (PLS), and the North Carolina Center on Actual Innocence.

North Carolina Prisoner Legal Services

The Commission obtained the PLS file on Mr. Grimes. The file indicates that Mr. Grimes contacted PLS in 1989. They reviewed his claim and closed the case in 1991, but continued to correspond through 1992.

In 1997, Mr. Grimes again wrote to PLS seeking assistance with filing a Federal Habeas Corpus Petition. PLS indicated they were not able to assist Mr. Grimes and closed the case.

Pro Se Motions

In 1994, Mr. Grimes filed a pro se motion seeking appointment of counsel to assist him with his post-conviction efforts. His motion was denied. Mr. Grimes also wrote to the Governor's Clemency Office requesting relief. His trial attorney, Mr. de Torres, wrote to the Governor stating that Mr. Grimes had always maintained his innocence and Mr. de Torres believed he was in fact innocent and deserved clemency.

In 1996, Mr. Grimes filed a pro se Writ of Habeas Corpus that was denied for failure to state a claim.

Motion for Appropriate Relief

In 1988, Mr. Grimes' family retained Attorney Walter Johnson. On May 22, 1998, Mr. Johnson filed a Motion for Appropriate Relief based on a claim of Ineffective Assistance of Counsel. The motion was denied without relief on July 1, 1998.

North Carolina Center on Actual Innocence

At the beginning of 2003, a friend of Mr. Grimes contacted Attorney Noell Tin asking for assistance. Mr. Tin reviewed the case and contacted the NC Center on Actual Innocence (Center).

Over a period of years, students and employees for the Center repeatedly contacted multiple agencies in an attempt to locate the physical evidence. In 2004, students contacted Mr. de Torres, the Catawba County Clerk of Court, and the HPD. They also went to the Clerk's Office and reviewed the evidence logs and court files. The Center's reports indicate that the Clerk's Office stated the evidence room had been searched and any evidence had been destroyed. Additionally, the report states that HPD was unable to match police report numbers from the file to any documents in the department.

In 2005, the Center contacted the Clerk's Office and the Catawba County Sheriff's Department seeking destruction orders. Center reports indicate that after an evidence search, the Clerk's Office confirmed that there was no evidence pertaining to the Grimes case in its evidence room.

In March of 2007, the Center's Director, Christine Mumma, wrote a letter to the Clerk of Court, the District Attorney, and the Police Chief asking them to notify her if there was anything they could do to ensure that no evidence could be located in the Grimes case.

In September of 2007, the Center contacted the Catawba County Sheriff's Department. The Center's reports indicate that three evidence rooms were searched by hand and nothing was located.

In October 2007, at the suggestion of the Sheriff's Department, the Center contacted Inv. Steve Hunt. The Center's reports indicate that Inv. Hunt stated he did not know where the evidence was located.

The Center continued to work on Mr. Grimes' case and Ms. Mumma currently represents Mr. Grimes.

Denver Post articles

In 2007, journalist Susan Greene from the Denver Post newspaper wrote a series of articles about lost or missing physical evidence in criminal cases. The series was titled "Trashing the Truth" and one of the cases covered was the Grimes case. The article from the Denver Post is included as Appendix L.

New York Innocence Project

In 2006, Mr. Grimes contacted the New York Innocence Project and they deferred the case because it was under review at the Center.

IX. North Carolina Innocence Inquiry Commission

In August of 2007, the newly created North Carolina Innocence Inquiry Commission conducted a mock hearing to test the bylaws and operating procedures. The Commission's Director worked with the Center to create a mock case based loosely on the facts of the Willie Grimes case. All names and some facts were changed for the mock case. The Grimes case was selected as a model case for the Commission because, at that time, it was believed that all evidence had been destroyed.

In 2009, the Commission received a federal grant for locating and testing physical evidence. The Commission staff conducted an audit of cases previously closed due to lack of physical evidence. Many of these cases were reopened and evidence searches were conducted. Even though Mr. Grimes had not previously applied to the Commission, the Commission's Director was familiar with the case because of the mock hearing. She instructed that a questionnaire and consent form be sent to Willie Grimes with the intention of conducting a search for physical evidence.

Mr. Grimes returned his questionnaire and consent form on October 18, 2010. Mr. Grimes also wrote to the Center asking that they share the contents of their files.

The Commission staff began the investigation by working with the Catawba County Sheriff's Department in August of 2011. On August 29, 2011 the Sheriff's Department provided an affidavit stating that they had no property for the Grimes case in their custody.

On October 5, 2011, Commission staff emailed HPD Chief Tom Adkins. Captain Whisnant responded on October 12, 2011, stating that all evidence had been turned over to the Clerk's Office with the exception of the latent prints. On October 13, 2011, Commission staff

confirmed that a print card with two fingerprint lifts still existed in this case and were located in the HPD file.

On October 14, 2011, Commission staff contacted Catawba County District Attorney Jay Gaither and requested that the fingerprints be examined. The District Attorney agreed to submit the prints to the SBI. HPD transferred the latent lifts to the SBI Western Lab.

On December 13, 2011, the Commission received an email from Assistant District Attorney Eric Bellas with the SBI report attached showing the results of an AFIS comparison and the fingerprint analysis. The report stated that one of the latent prints “was identified as having been made by the left index finger of Albert Lindsey Turner.” The other print was “identified as having been made by the left middle finger of Albert Lindsey Turner.”

That same day, the Commission’s Director moved the case into formal inquiry and Mr. Grimes was given notice of his right to counsel.

X. Conclusion

A hearing will be conducted before the North Carolina Innocence Inquiry Commission on April 2, 3, and 4, 2012. At that time, the Commission staff will present the evidence uncovered during their investigation. Multiple witnesses are expected to testify before the Commission.

The North Carolina Innocence Inquiry Commission is charged with considering “credible, verifiable evidence of innocence that has not been previously presented at trial or considered at a hearing granted through postconviction relief.” N.C.G.S. § 15A-1460. Each Commissioner shall determine whether “there is sufficient evidence of factual innocence to merit judicial review.” N.C.G.S. § 15A-1468(c).

Appendix A
Hickory Police Dept. File

1. AGENCY	2. IDENTIFIER OR NC	3. OFFENSE TRACT	4. DATETIME REPORTED	5. OCA FILE NO.
			10/24/89	87-22509
6. CRIME/INCIDENT	7. OFFENSE DATE	8. VICTIM/BUSINESS NAME (LAST, FIRST, MIDDLE)	9. RACE/ETHN	10. SEX
1st Degree Rape	14. HOUR 15. DWMK 16. MTH	ELLIOTT, CHARLIE, LEE	W	M
13. OFFENSE DATE AT (FOUND)	17. DATE 18. YR.	19. VICTIM ADDRESS	20. PHONE	12. Relationship (Victim To Offender)
11/7 SAT, 10 24 89		104 Sth Avonr SW	324-5165	Spouse
(LAST KNOWN SECURE)	21. EMPLOYER/SCHOOL	22. BUS. PHONE		
N/A	RETIRED	N/A		
23. PERSON REPORTING CRIME (LAST, FIRST, MIDDLE)	24. ADDRESS	25. BUSINESS ADDRESS	26. WEAPON/TOOLS	27. WEATHER
ELLIOTT, CHARLIE, LEE	104 Sth Avonr SW WRY	324-5165	NONE	410
26. LOCATION OF CRIME	29. HOW ATTACKED OR COMMITTED (M.O.)	27. PREMISE TYPE	30. WEATHER	
VICTIM'S APT 104 Sth Avonr SW	ROBBERY IN VICTIM'S APT. AND RAPE	VICTIM'S HOME		
31. PROPERTY CLASSIFICATION	32. VALUE STOLEN	33. PROPERTY CLASSIFICATION	34. VALUE AT RECOVERY	35. VALUE AT RECOVERY
CURRENCY, NOTES, ETC.	A	HOUSEHOLD GOODS	H	
JEWELRY, PRECIOUS METALS	B	FOODSTUFFS	I	
CLOTHING, FURS	C	LIVESTOCK	J	
MOTOR VEHICLES	D			
OFFICE EQUIPMENT	E			
T.V., RADIO, CAMERA, ETC.	F			
FIREARMS	G			
32. VEHICLE INFO. (VICTIM/SUSPECTED)	36. WITNESS NAMES	37. LAB TECHNICIAN CALLED	38. FOR INSURANCE PURPOSES	39. OFFENDER 1 RACE
	NONE			B
33. #OF SUSPECTS	34. CAN SUSPECTS BE ID'ED	35. WAS EVIDENCE FOUND	36. WITNESS NAMES	37. ETHN
1	YES	YES	NONE	N
37. LAB TECHNICIAN CALLED	38. FOR INSURANCE PURPOSES	39. OFFENDER 2 RACE	40. ETHN	41. SEX
LAB TECH OFFICER TRAC HOUSCLAW	YES	N/A		M
40. NARRATIVE	41. ETHN	42. SEX	43. AGE	44. OFFENDER 3 RACE
ON 10-24-89 AT APPROX. 2117 A BLACK MALE SUSPECT BROKE INTO THE VICTIM'S APT BY WAY OF THE FRONT DOOR AND RAPE'D THE VICTIM. SGT. M. BENTLEY WAS THE FIRST OFFICER ON THE SCENE AND SECURED THE CRIME SCENE. R/O AND OFFICERS R. D. FOWLER, S. B. WIKLE, D. M. KENNEDY DID AN AREA SWEEP BUT WAS UNABLE TO FIND THE SUSPECT. OFFICER S. R. MOORE DID THE FIRST INTERVIEW WITH THE VICTIM. OFFICER TRAC HOUSCLAW PROCESSED ALL EVIDENCE AT THE SCENE.	N		35	N/A
COMPLAINANT'S SIGNATURE				
INVESTIGATOR BACKGROUND WAS CALLED TO THE SCENE ALSO. SET UP PROBLEM ENTIRELY REPAIRS FOR BURNING IN OFFICER'S NAME # 42 OFFICER'S SIGNATURE 43 DATING TIME SUBMITTED 44 SUPERVISOR SIGNATURE 45 CASE STATUS 46 CASE DISPOSITION 47 PAGE				
G. R. L. L. E. [Signature] 10/24/89 2117 1/1 S. R. M. [Signature] 1				

1. AGENCY: _____ 2. IDENTIFIER ORI: NC

3. DATE OF ORIGINAL REPORT: MO 10 DAY 12 YR 18

4. ORIGINAL OFFENSE: 1st DEGREE BURGLARY

5. OCA NUMBER: 87-22509

6. NEW/CHANGED OFFENSE: N/A

7. NEW/CHANGED RELATIONSHIP: N/A

8. NEW/CHANGED WEAPON: N/A

9. NEW/CHANGED PREMISE: N/A

10. TOTAL ARRESTS: N/A

11. ADULT: N/A

12. JUVENILE: N/A

13. ADDITIONAL OFFENDERS

#1 RACE: N/A ETHN: _____ SEX: _____ AGE: _____ #2 RACE: N/A ETHN: _____ SEX: _____ AGE: _____ #3 RACE: _____ ETHN: _____ SEX: _____ AGE: _____ #4 RACE: _____ ETHN: _____ SEX: _____ AGE: _____

14. CHANGED OFFENDER FROM: RACE: N/A ETHN: _____ SEX: _____ AGE: _____ TO: RACE: _____ ETHN: _____ SEX: _____ AGE: _____ FROM: RACE: _____ ETHN: _____ SEX: _____ AGE: _____ TO: RACE: _____ ETHN: _____ SEX: _____ AGE: _____

15. PROPERTY CLASSIFICATION	C	D	E	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY	PROPERTY CLASSIFICATION	H	I	J	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY
CURRENCY, NOTES, ETC.	A					HOUSEHOLD GOODS					
JEWELRY, PRECIOUS METALS	B					FOOD STUFFS					
CLOTHING, FURS	C					LIVESTOCK					
MOTOR VEHICLES	D										
OFFICE EQUIPMENT	E										
T.V., RADIO, CAMERA, ETC.	F										
FIREARMS	G					GRAND TOTAL					

16. NARRATIVE

REF: 1ST DEGREE BURGLARY & ACCIDENT VICTIM; CAROLE LEE KELLIDY

THE SUSPECT IN THIS CASE WAS A BLACK MALE, APPROX 6 FOOT TALL AND MAY HAVE WEIGHT 200 TO 225 LBS, AND WARS APPROX 35 YRS OLD. THE SUSPECT WAS VERY DARK SKINNED AND HAD BUSHY HAIR. R/O DID NOT RECALL ANY OF THE VICTIM'S IN WHERE R/O SPOKE WITH THE PEOPLE IN THE TWO APT NORTH OF THE VICTIM'S APT AND THE OWNERS OF THE THREE HOUSES BEHIND THE VICTIM'S APT. NO ONE THAT R/O SPOKE WITH WAS ABLE TO GIVE R/O ANY INFORMATION IN REF. TO THIS INCIDENT.

17. OFFICER'S NAME/ID # _____ 18. OFFICER'S SIGNATURE: _____

19. DATE/TIME SUBMITTED: MO 10 DAY 12 YR 18

20. SUPERVISOR'S SIGNATURE: _____

21. CASE STATUS: ELIMINATED INACTIVE CLOSED

22. CASE DISPOSITION: UNFOUNDED CL. BY ARREST EXC. CLEARED EXC. ADULT EXC. CLEARED-JUV

23. PAGE 1 OF 1

000004

1. AGENCY	2. IDENTIFIER ORI	3. DATE OF ORIGINAL REPORT	4. ORIGINAL OFFENSE	5. OCA NUMBER	
	NC	NO 10 / DAY 18 / YR 87	Same	87-22509	
6. NEW/CHANGED OFFENSE	7. NEW/CHANGED RELATIONSHIP	8. NEW/CHANGED WEAPON	9. NEW/CHANGED PREMISE	10. TOTAL ARRESTS	
N/A	N/A	N/A	N/A	None	
13. ADDITIONAL OFFENDERS	#1 RACE	ETHN	SEX	AGE	
N/A	N/A	N/A	N/A	N/A	
14. CHANGED OFFENDER	#2 RACE	ETHN	SEX	AGE	
N/A	N/A	N/A	N/A	N/A	
FROM RACE	ETHN	SEX	AGE	TO: RACE	
15. PROPERTY CLASSIFICATION	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY	PROPERTY CLASSIFICATION	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY
CURRENCY, NOTES, ETC.	A	/	HOUSEHOLD GOODS	H	/
JEWELRY, PRECIOUS METALS	B	/	FOOD STUFFS	I	/
CLOTHING, FURS	C	/	LIVESTOCK	J	/
MOTOR VEHICLES	D	N			N
OFFICE EQUIPMENT	E	N			N
T.V., RADIO, CAMERA, ETC.	F				
FIREARMS	G		GRAND TOTAL		

Re: Rape Carrie Lee Elliott

On 10/24/87 R/O spoke w/ the victim in reference to the above OCA# She advised that she was sitting in her living room at approximately 2030 to 2100 hrs. She stated that she heard a knock at her door. Thinking it was her neighbor, she went to the front door and opened the door slightly. She advised when she did, an unknown B/M pushed open her door and made the remark: "I want you." The victim stated she told him "you get out" The B/M then stated: "I'm not going anywhere I want you." The victim stated that the B/M then pushed her down on her living room couch. (She stated she had on a housecoat, a pair of panties, and a bra) After the work B/M pushed her on the couch, she stated he removed her panties and proceeded to have sexual intercourse with the victim. (She stated the B/M did not attempt oral or anal sex nor did she perform oral sex.) After they had intercourse on the couch, the B/M stated to the victim, "lets go up to the bedroom. Where is the bedroom?"

17. OFFICER'S NAME/ID. #	18. OFFICER'S SIGNATURE	19. DATE/TIME SUBMITTED	20. SUPERVISOR'S SIGNATURE	21. CASE STATUS	22. CASE DISPOSITION	23. PAGE
SR Myers	SR Myers	MO DAY YR 10/24/87 0100 24		<input checked="" type="checkbox"/> FURTHER INV <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLOSED	<input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CL BY ARREST	5
				<input type="checkbox"/> EXC. CLEARED - ADULT <input type="checkbox"/> EXC. CLEARED - JUV.		

1. AGENCY	2. IDENTIFIER - ORI NC	3. CONTINUATION TO: <input checked="" type="checkbox"/> INVESTIGATION <input type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. 87. 22509
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5. NARRATIVE

The victim advised that she was not going anywhere w/ the B/m. The B/m told the victim to walk into the bedroom. When she refused, she stated the B/m dragged her into the bedroom and put her on the bed and again had sexual intercourse.

She also advised that the B/m told her he would not hurt her but made the threat that he had a knife in his pocket and he would cut the victim if she did not cooperate.

After the sexual intercourse in the bed room, the victim told the B/m that she needed to use the bathroom and that she was hot and needed a straw fan on the Chester drawers. At that point the B/m let her up and made a statement that he was hungry and went towards the living room.

The victim stated that she was praying out loud and the B/m made the comment that he could not stand "that praying". He asked the victim what was in the refrigerator and she advised she did not fix supper and there was nothing in the refrigerator. She stated he went towards a fruit bowl got some fruit out of the bowl and went out the back door.

The victim advised after he left, she locked her doors and called her daughter in law who contacted NRP. Victim transported P.O. to H-50 ER

Investigator J.L. Blackburn also responded.

No further information or suspects at this time.

6. OFFICER'S NAME SE Nyon	7. OFFICER'S SIGNATURE 	8. DATE SUBMITTED MO DAY YR 10 / 24 / 87	9. SUPERVISOR SIGNATURE 	10. PAGE 2 OF 2
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000003

1. AGENCY Hickory Police Department	2. IDENTIFIER ORI NC 0180200	3. DATE OF ORIGINAL REPORT 10/24/87	4. ORIGINAL OFFENSE Rape, Burglary	5. OCA NUMBER 87-22509
6. NEW/CHANGED OFFENSE	7. NEW/CHANGED RELATIONSHIP	8. NEW/CHANGED WEAPON	9. NEW/CHANGED PREMISE	10. TOTAL ARRESTS
11. ADULT	12. JUVENILE	0100000		

13. ADDITIONAL OFFENDERS

#1 RACE	ETHN	SEX	AGE	#2 RACE	ETHN	SEX	AGE	#3 RACE	ETHN	SEX	AGE	#4 RACE	ETHN	SEX	AGE
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14. CHANGED OFFENDER

FROM: RACE	ETHN	SEX	AGE	TO: RACE	ETHN	SEX	AGE	FROM: RACE	ETHN	SEX	AGE	TO: RACE	ETHN	SEX	AGE
15. PROPERTY CLASSIFICATION	C	D	E	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY	PROPERTY CLASSIFICATION	C	D	E	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY				
CURRENCY, NOTES, ETC.	A					HOUSEHOLD GOODS	H								
JEWELRY, PRECIOUS METALS	B					FOOD STUFFS	I								
CLOTHING, FURS	C					LIVESTOCK	J								
MOTOR VEHICLES	D														
OFFICE EQUIPMENT	E														
TV, RADIO, CAMERA, ETC.	F														
FIREARMS	G					GRAND TOTAL									

16. NARRATIVE

Reference: Interview with victim
 Victim: Carrie Lee Elliott, W/F, DOB: 12-14-17
 Date: 10-24-87
 Time: 2349 hrs.
 Location: Hickory Police Dept.

On 10-24-87, I conducted an interview with the victim at Hickory Police Dept. Mrs. Elliott stated that on the above date at approximately 2100 hrs., a B/M knocked on her front door. She said that she cracked the door open and the suspect stated "I want to ask you something", and then pushed his way into her apartment. After the suspect got inside the door, he continually stated "I want you". The suspect pushed the victim onto the couch in the living room, ripped her panties off and proceeded to rape her on the couch for approximately 10-15 minutes.

The suspect then stated "let's go into the bedroom, where is the bedroom at". The victim said she wasn't going anywhere and the suspect said "yes you are" and then forced her into the bedroom. The suspect threw a suitcase off the bed and forced the victim on the bed. The suspect stated "I'm not going to hurt you but if you don't give me some lovin', I've got a knife and I'll cut you". He raped the victim again in the bedroom for approximately 5-6 minutes. He held her on the bed by placing his forearm over her neck/throat area. She told the suspect that she needed to go to the bathroom and she was hot and needed a fan. The suspect let the victim up and she returned to the living room.

She said that while in the living room, she was parrying out loud and asking him to leave. He stated

17. OFFICER'S NAME/ID # J.L. Blackburn	18. OFFICER'S SIGNATURE <i>J.L. Blackburn</i>	19. DATE/TIME SUBMITTED 10/24/87 12:00	20. SUPERVISOR'S SIGNATURE <i>S.A. [Signature]</i>	21. CASE STATUS <input checked="" type="checkbox"/> FURTHER INV. <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLOSED	22. CASE DISPOSITION <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CL. BY ARREST <input type="checkbox"/> EXC. CLEARED <input type="checkbox"/> EXC. CLEARED JUV.	23. PAGE 2
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1. AGENCY Hickory Police Department	2. IDENTIFIER - ORI NC 0180200	3. CONTINUATION TO: <input type="checkbox"/> INVESTIGATION <input checked="" type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. 87-22509
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5. NARRATIVE
 "I'm going to stay all night with you", and then asked "What is in the refrigerator"; he was hungry. ~~The suspect got some fruit out of a fruit bowl on the kitchen table and left the residue out the back door.~~

She described the suspect as follows:

B/M, approximately 35 years old, 6' - 6'1" tall, very large build, bushy hair and needed a shave, wearing dark pants and a green pullover shirt.

She stated that the suspect had a strong odor of alcohol and he had a smell of "rock gut" liquor. She also stated the suspect never performed oral sex or anal sex on her. She doesn't believe the suspect ever ejaculated in her.

No further at this time.

6. OFFICER'S NAME J.L. Blackburn	7. OFFICER'S SIGNATURE <i>J.L. Blackburn</i>	8. DATE SUBMITTED MO / DAY / '87 M9 / 09 / 87	9. SUPERVISOR SIGNATURE <i>S.A. [Signature]</i>	10. PAGE 2 OF 2
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000011

1. AGENCY: Hickory Police Dept. 2. IDENTIFIER: NC 0180200 3. DATE OF ORIGINAL REPORT: 10 / 24 / 87 4. ORIGINAL OFFENSE: Rape, Burglary 5. OCA NUMBER: 87-22509

6. NEW/CHANGED OFFENSE: N/A 7. NEW/CHANGED RELATIONSHIP: N/A 8. NEW/CHANGED WEAPON: N/A 9. NEW/CHANGED PREMISE: N/A 10. TOTAL ARRESTS: 11 ADULT 12. JUVENILE: 000012

13. ADDITIONAL OFFENDERS

#1 RACE: N/A ETHN: SEX: AGE: #2 RACE: ETHN: SEX: AGE: #3 RACE: ETHN: SEX: AGE: #4 RACE: ETHN: SEX: AGE:

14. CHANGED OFFENDER

FROM: RACE: N/A ETHN: SEX: AGE: TO: RACE: ETHN: SEX: AGE: FROM: RACE: ETHN: SEX: AGE:

15. PROPERTY CLASSIFICATION	C	D	E	A	B	C	D	E	F	G	PROPERTY CLASSIFICATION	H	I	J	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY
CURRENCY, NOTES, ETC.											HOUSEHOLD GOODS					
JEWELRY, PRECIOUS METALS											FOOD STUFFS					
CLOTHING, FURS											LIVESTOCK					
MOTOR VEHICLES																
OFFICE EQUIPMENT																
T.V., RADIO, CAMERA, ETC																
FIREARMS											GRAND TOTAL					

16. NARRATIVE

Reference: Line-up Shown to Carrie Lee Elliott

Date: 10-24-87

Location: Hickory Police Dept.

On 10/24/87, after conducting an interview with the victim, I made up a line-up of six B/Ms and showed them to the victim. The line-up consisted of the following individuals:

- 1) Bobby Junior White, B/M, Picture # 100
- 2) Albert Lindsey Turner, B/M, Picture # 162
- 3) William Keller, B/M, Picture # 315
- 4) Horace Montrose Harshaw, B/M, Picture # 372
- 5) Stacy Oliver Ellis, B/M, Picture # 66
- 6) Johnny Shade, B/M, Picture # 471

Ms. Elliott stated that none of the pictures in the line-up was the suspect that broke into her residence.

No Further Information At this Time.

17. OFFICER'S NAME: Inv. J. L. Blackburn 18. OFFICER'S SIGNATURE: [Signature] 19. DATE/TIME SUBMITTED: 10/24/87 20. SUPERVISOR'S SIGNATURE: [Signature]

21. CASE STATUS: FURTHER INV. INACTIVE CLOSED

22. CASE DISPOSITION: UNFOUNDED CL. BY ARREST EXC. CLEARED ADULT EXC. CLEARED JUV

23. PAGE: 1

POLICE DEPARTMENT
HICKORY, N. C.

EVIDENCE CONTROL FORM

OCA # 87-22509

(One Only)

Officer /Hobbs Type Case 1st Deg Rape & Burglary

Victim/Owner _____

Victim/Owner Address _____ Telephone _____

City _____ State _____ Zip Code _____

Suspects Willie Grimes

Analysis Requested _____ Hold _____ Destroy _____ Return _____

Item No	Evidence Description	Where/Whom From	Date Time	Type Container
1	1 card of latent prints	Scene	10-24-87	Self
2	Victim's pants	Scene	10-24-87 10-40-87	Paper bags
3	Hair Sample	Scene	10-24-87	Self
4	CM 400-R film	Scene	10-24-87	Self

Comments:

Item No	Received By	Received From	Date/Time Received	Property Room Location
1-4	<u>[Signature]</u>	<u>Abbeclow</u>	10-24-87	<u>East Street</u>

Final Disposition of Evidence # 1 - IN Records 2, 3, 4 - IN Evidence IN Suspension Ct

Property Officer _____ Victim/Owner FG-88

Witness _____ Date/Time _____

N. C. State Bureau of Investigation
PHOTOGRAPHIC SECTION WORK ORDER REQUEST

FOR LAB WORK

CHECK: Color

CHECK: B & W

Film Submitted by: Jack M. Holsclaw Date: 10-28-87

Department: Hickory Police Department Master File #: 87-22509

Type of Film: CM400-12 # of Rolls: 1

Description of Exposures: Photos of Scene of Rape, Burglary

Special Handling Required: no

Photographs will be used for: () Investigative Aid () Court () Records/
To File () Training () Other _____

Need Completed Photographs by: 11-16-87

Return Completed Work To: Jack M. Holsclaw
Hickory Police Dept., 35 First Street, NE, Hickory, NC 28601

(FOR OFFICE USE ONLY)

Negatives Developed: _____ Prints: 1

Photographer Assigned: JG

How Film Received: from By: pc Date: 11-2-87

How Photographs Returned: from By: pc Date: 11-3-87

Negatives Filed: _____ By: _____ Date: _____
Returned: _____ By: JG Date: 11-3-87

POLICE DEPARTMENT
HICKORY, N. C.

EVIDENCE CONTROL FORM

OCA # 87-22509

(One Only)

Officer INV. J. L. BLACKBURN Type Case RAPE, 1ST DEGREE BURGLARY

Victim/Owner CARRIE LEE ELLIOT

Victim/Owner Address 104 8th AVE DR. SE., HI Telephone 324-5165

City HICKORY State NC Zip Code 28601

Suspects UNK

Analysis Requested XX RAPE KIT Hold Destroy Return

Item No	Evidence Description	Where/Whom From	Date Time	Type Container
<u>50</u>	<u>"SBI" RAPE EVIDENCE KIT</u>	<u>DONNA RICHARDS, RN</u>	<u>10/24/87</u>	<u>CARDBOARD BOX</u>
<u>60</u>	<u>BROWN PAPER BAG CONTAINING VICTIM'S CLOTHING</u>	<u>CATAWBA MEMORIAL HOSP.</u>	<u>2230hrs</u>	<u> </u>
		<u>DONNA RICHARDS, RN</u>	<u>10/24/87</u>	<u> </u>
		<u>CATAWBA MEMORIAL HOSP</u>	<u>2230hrs</u>	<u>PAPER BAG</u>

Comments:

Item No	Received By	Received From	Date/Time Received	Property Room Location
<u>5-6</u>	<u>[Signature]</u>	<u>[Signature]</u>	<u>10-26-87 0900</u>	<u>SDBR</u>

Final Disposition of Evidence 3-6 IN Evidence in Superior Ct

Property Officer [Signature] Victim/Owner

Witness Date/Time

1 AGENCY **Hickory Police Department** 2 IDENTIFIER-ORI **NC 0180200** 3 DATE OF ORIGINAL REPORT **10 / 24 / 87** 4 ORIGINAL OFFENSE

6 NEW/CHANGED OFFENSE 7 NEW/CHANGED RELATIONSHIP 8 NEW/CHANGED WEAPON 9 NEW/CHANGED PREMISE 10 TOTAL ARRESTS 11 ADULT 12 JUVENILE

5 OCA NUMBER **87-22509**

13. ADDITIONAL OFFENDERS

#1 RACE	ETHN	SEX	AGE	#2 RACE	ETHN	SEX	AGE	#3 RACE	ETHN	SEX	AGE	#4 RACE	ETHN	SEX	AGE
FROM: RACE	ETHN	SEX	AGE	TO: RACE	ETHN	SEX	AGE	FROM: RACE	ETHN	SEX	AGE	TO: RACE	ETHN	SEX	AGE

14. CHANGED OFFENDER

15. PROPERTY CLASSIFICATION	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY	PROPERTY CLASSIFICATION	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY
CURRENCY, NOTES, ETC.	A		HOUSEHOLD GOODS	H	
JEWELRY, PRECIOUS METALS	B		FOOD STUFFS	I	
CLOTHING, FURS	C		LIVESTOCK	J	
MOTOR VEHICLES	D				
OFFICE EQUIPMENT	E				
T.V., RADIO, CAMERA, ETC.	F				
FIREARMS	G		GRAND TOTAL		

16. NARRATIVE
Reference: **Burglary/Rape - Carrie Elliott**

10-26-87 At approximately 1215 hours, this writer spoke with Carrie Elliott and her daughter-in-law, Rachael Elliott, at the Hickory Police Department. Ms. Elliott advised that she talked with her next-door neighbor about what happened to her on Saturday and she told the neighbor what the suspect looked like. Ms. Elliott advised that her neighbor is Linda McDowell and she lives with Willie Mason in the same apartment. She advised that McDowell told her that she knows the name of the person who could have raped her. Ms. Elliott advised that McDowell told her that she would give the name to the police only and no one else. Ms. Elliott advised that McDowell said that this individual showed up at her (McDowell's) sister's house later that night wearing a green shirt and he was real drunk. This was after the rape occurred. Ms. Elliott advised that she does not know McDowell's sister or where she lives, only that she lives in the projects. Ms. Elliott advised that on the night of the assault, she told the suspect in an attempt to scare him off, that her neighbor and his wife would be coming over soon and he had better leave. She advised that the suspect told her that he knows Mason and they're not home. The suspect also told her that Mason was not married. Ms. Elliott also advised that the suspect told her that he liked elderly women because they didn't fool around. Ms. Elliott advised that the suspect kind of talked with a lisp and this could have been because he was so drunk. She advised that the suspect had a mole or some kind of a bump on the side of his face. She advised that it could have been his right side but she's not sure. She advised that she thinks she may have scratched his face or the mole because she broke her fingernails on him. Ms. Elliott advised that she could identify the suspect if she should see him.

17 OFFICER'S NAME/ID # **S.L. Bryant** 18 OFFICER'S SIGNATURE *[Signature]* 19 DATE/TIME SUBMITTED **10/27/87 0900** 20 SUPERVISOR'S SIGNATURE *[Signature]*

21 CASE STATUS FURTHER INV. UNFOUNDED CL. BY ARREST EXC. CLEARED ADULT EXC. CLEARED JUV.

22 CASE DISPOSITION UNFOUNDED CL. BY ARREST EXC. CLEARED ADULT EXC. CLEARED JUV.

23 PAGE **03**

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1. AGENCY Hickory Police Department	2. IDENTIFIER - ORI NC 0180200	3. CONTINUATION TO: <input type="checkbox"/> INVESTIGATION <input checked="" type="checkbox"/> SUPPLEMENTARY INV.	4. OCA FILE NO. 87-22509
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5. NARRATIVE

again. Ms. Elliott and Rachael advised that they were by Willie Mason's apartment and have him call this writer. No further at this time.

At approximately 1250 hours, Rachael Elliott called this writer and advised that they went by Willie Mason's apartment and his niece was there and she told them that Willie would be home later. No further at this time.

At approximately 1610 hours, this writer received a phone call from Linda McDowell. She advised that Carrie had told her what happened last Saturday night and she knows of a man that fits the description of the suspect. She advised that she would meet with this writer at the Police Department later this evening and at that time she would give the name of the person she knows. No further at this time.

At approximately 1630 hours, this writer met with Linda McDowell at the police department. She advised that there is one person that fits the description of the suspect and he goes by two names. She advised that he uses Willie Grimes and Willie Vinson and his street name is "Woot". She advised that Grimes has been at her apartment before and at Barry Allen's apartment. She advised that Grimes spent alot of time at Barry Allen's. She advised that Allen no longer lives there but he used to live in the apartment on the other side of Ms. Carrie. She advised that Grimes does have a large mole on his face and she thinks on his left side, she's not sure. She advised that on Saturday night, Grimes showed up at her sister's, Betty Shuford, house in "Little Berlin". McDowell advised that Shuford told her that Grimes was wearing a green colored pull-over type shirt while he was at her house. McDowell advised that on Saturday night, she and Mason left around 8:55 p.m. and did not return until late. She advised that she had not seen Grimes for some time. She advised that the last she heard, Grimes was living in some "L" shaped apartments on "F" Avenue SE, somewhere around the water tower up from 8th St. Dr. SE. She advised that she would testify in court if called to do so. No further at this time.

At approximately 2015 hours, this writer met with Carrie Elliott at Route 1 Box 951, Claremont, NC. This writer showed a photo line-up to Ms. Elliott. The line-up consisted of the following photos: in position number one was Willie L. Kelly, Jr.; in position number two was Willie Grimes; in position number three was James E. Dawkins; in position number four was John B. Bell; in position number five was Calvin L. Anderson; and in position number six was Jerry M. Williams. After viewing this line-up for about 15 seconds, Ms. Elliott pointed to photo in position number two and stated that "this is the man that raped me, this is the man, he raped me and did that awful thing to me". She advised that the only difference is that his hair is longer than in the

6. OFFICER'S NAME S.L. Bryant	7. OFFICER'S SIGNATURE 	8. DATE SUBMITTED MO 10 / DAY 27 YR 87	9. SUPERVISOR SIGNATURE 	10. PAGE 2 of 3
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1. AGENCY Hickory Police Department	2. REPORT FILE NO. NC 0180200	3. CONTINUATION TO INVESTIGATION KN QUINCY AVE	4. GSA FILE NO. 87-22509
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5. NARRATIVE
 photo and she could not see his mole in the photo. She advised that she could never forget his face that she would always remember it. She advised that what happened to her that night was the worst of any nightmare she could imagine. She advised that he really hurt her and she can't hardly walk because when he was on top of her, he had her leg bent way back towards her head. She advised that the person in number two photo had a big mole on his face because she felt it with her hand when she was trying to push him away. She thinks she could have scratched him there also. She advised that she does recall the mole being close to the corner of his mouth. She advised that she's not sure about which side of his face the mole was on but now that she thinks about it, she thinks it would have been on his left side. She advised that she thinks she had seen this person at Barry Allen's place last summer chasing a young white girl around the apartment at Allen's. She advised that the suspect also mentioned to her Saturday night that he knows someone that sells liquor close by there. She advised that the suspect knew her husband because he mentioned his name. No further at this time.

Investigation is continuing.

6. OFFICER'S NAME S.L. Bryan	7. OFFICER'S SIGNATURE <i>S.L. Bryan</i>	8. DATE SUBMITTED 10/27/87	9. SUPERVISOR SIGNATURE <i>Lang</i>	10. PAGES 3
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ORIGINAL COPY

800000

1. AGENCY: **Hickory Police Department** 2. ORI: **NC 0180200** 3. OCA NO.: **87-22509** 4. ARREST TRACT: **A12** 5. PRINTS: **XX XX** 6. ARREST NO.: **000000**

7. NAME-LAST: **Grimes** FIRST: **Willie** MIDDLE: **James** 8. ALIAS-NICKNAME: **WOOT** 9. DATE OF BIRTH: **08-23-46** 10. AGE: **41** 11. SEX: **M** 12. RACE/ETH: **B I N**

13. ADDRESS: **60 5th St. S.E., Hickory, N.C.** PHONE: **324-4441** RESIDENCE TRACT: **A13** 14. PLACE OF BIRTH: **Cleveland Co.** 15. HEIGHT: **6-2** 16. WEIGHT: **165** 17. HAIR: **Blk** 18. EYES: **BRN**

19. SCARS/MARKS/TATOOS: **Neck/Face/Fingers** 20. SOCIAL SECURITY NUMBER: **237-76-1584** 21. OPERATOR LIC # & STATE: **None** 22. MISC. # / TYPE: **N/A** 23. OCCUPATION: **None**

24. EMPLOYER/SCHOOL: **Country Shop thru Man Power** 25. ADDRESS: **Old Lenoir Road, Hickory, N.C.** 26. PHONE: **Unknown**

27. DATE OF ARREST: **10/24/87** 28. TIME: **1630** 29. ON VIEW: ORDER FOR ARREST: CRIMINAL SUMMONS: 30. PLACE OF ARREST: **Hickory Police Department**

31. IS/INITIAL CHARGE: **First Degree Rape** 32. COUNTS: **2** 33. UCR CODE: **14-27.2** 34. STATUTE: **14-27.2** 35. OFFENSE JURISDICTION: **Hickory** 36. OFF. TRACT: **A13** 37. WARRANT DATE: **10/27/87**

38. 2nd/SUBSEQUENT CHARGE: **First Degree Kidnapping** 39. COUNTS: **1** 40. UCR CODE: **14-39** 41. STATUTE: **14-39** 42. OFFENSE JURISDICTION: **Hickory** 43. OFF. TRACT: **A13** 44. WARRANT DATE: **10/27/87**

45. VEHICLE INFO: **NONE** STATE: **MA** MAKE: **MA** VIN: **N/A** 46. PLACE STORED: **N/A** ADDRESS: **N/A**

47. VEHICLE INVENTORY INFO: **N/A** BY: **N/A** 48. COMPLAINANT'S NAME: **State of North Carolina**

49. DATE/TIME CONFINED: **10/27/87 1730 CLOCK** 50. PLACE CONFINED: **Catawba County Jail** 51. COMMITTING MAGISTRATE: **Moye** 52. TYPE BOND: **Secured** 53. AMOUNT: **\$25,000.00**

54. DATE/TIME RELEASED: **N/A** 55. RELEASED BY: **N/A** 56. TRIAL DATE: **10/28/87** 57. COURT OF: **District** 58. DISP. DATE: **N/A** 59. CT. DOCKET #: **N/A** 60. COURT OF: **N/A** 61. DISPOSITION: **District**

62. SENTENCE: **DISPOSITION INFORMATION** CITY: **Newton**

63. NARRATIVE: **On 10-27-87, Willie James Grimes was arrested at the Hickory Police Department on arrest warrants for First Degree Rape (2 counts), First Degree Kidnapping, and additional charges were First Degree Burglary and Common Law Robbery. The Burglary and Robbery were also in Off. Tract A13 and date of warrants are 10-27-87. Burglary G.S. 14-51 and Common Law Robbery is under Common Law. Grimes was taken before Magistrate Moye and bond was set at \$25,000.00 secured. His first appearance was set for 10-28-87 in Newton District Court. He was photographed and fingerprinted.**

64. ARRESTING OFFICER/NO. **S. O. Hunt E13** 65. DATE/TIME SUBMITTED: **10/27/87 1730 CLOCK** 66. SUPERVISOR SIGNATURE: *[Signature]* 67. ARRESTEE SIGNATURE: *[Signature]*

PIN 1R-208 ORIGINAL COPY REV. 7/86

1. AGENCY **Hickory Police Department** 2. IDENTIFIER/ORI **NC 0180200** 3. DATE OF ORIGINAL REPORT **10 / 24 / 87** 4. ORIGINAL OFFENSE **87-22509** 5. OCA NUMBER **87-22509**

6. NEW/CHANGED OFFENSE **7 NEW/CHANGED RELATIONSHIP** 8. NEW/CHANGED WEAPON **1** 9. NEW/CHANGED PREMISE **1** 10. TOTAL ARRESTS **11** 11. ADULT **1** 12. JUVENILE **1**

13. ADDITIONAL OFFENDERS

#1 RACE **ETHN** SEX **AGE** #2 RACE **ETHN** SEX **AGE** #3 RACE **ETHN** SEX **AGE** #4 RACE **ETHN** SEX **AGE**

14. CHANGED OFFENDER

FROM: RACE **ETHN** SEX **AGE** TO: RACE **ETHN** SEX **AGE** FROM: RACE **ETHN** SEX **AGE** TO: RACE **ETHN** SEX **AGE**

15. PROPERTY CLASSIFICATION	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY	PROPERTY CLASSIFICATION	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY
CURRENCY, NOTES, ETC.	A		HOUSEHOLD GOODS	H	
JEWELRY, PRECIOUS METALS	B	\$100.00	FOOD STUFFS	I	
CLOTHING, FURS	C		LIVESTOCK	J	
MOTOR VEHICLES	D				
OFFICE EQUIPMENT	E				
T.V., RADIO, CAMERA, ETC.	F				
FIREARMS	G		GRAND TOTAL		\$100.00

16. NARRATIVE
 Reference: Burglary/Rape/Robbery - Carrie Elliott

10-29-87 This writer was contacted by Ms. Carrie Elliott and she advised that her wrist watch was also taken by the suspect on the night of 10-24-87. She advised that the watch was a Timex Quartz, gold in color and had a brown leather band on it. She advised that she does not have the serial number for the watch and she values it at approximately \$100.00. She advised that the watch was taken from the kitchen area as best as she can recall. No further at this time.

Inv. is continuing.

17. OFFICER'S NAME/ID # **S. L. Bryant E21** 18. OFFICER'S SIGNATURE *[Signature]* 19. DATE/TIME SUBMITTED **NOV 09 10/30/87 0900hr** 20. SUPERVISOR'S SIGNATURE *[Signature]*

21. CASE STATUS FURTHER INV. INACTIVE CLOSED

22. CASE DISPOSITION UNFOUNDED CL. BY ARREST EAC CLEARED ADULT EAC CLEARED-JUV

23. PAGE **1** OF **1**

N.C. STATE BUREAU OF INVESTIGATION
Post Office Box 2000
Garner, North Carolina 27529-2000
(919) 779-1400

REQUEST FOR EXAMINATION OF PHYSICAL EVIDENCE

PART A:

Requesting Officer J. M. Holsclaw County Catawba SBI Lab # _____
Requesting Agency Hickory Police Dept. ORI # 180200 SBI File # _____
Agency Address 35 First St., NE City Hickory Zip 28601
Agency File # 87-22509 Type of Case 1st Deg. Rape Date of Offense 10-24-87
Burglary & Kidnapping
Investigating Officer S.O. Hunt/S.L. Bryant Phone # (704) 324-2060 DCI TID # HKA

VICTIM(S)	Race Sex DOB			SUSPECT(S)	Race Sex DOB			SID #
1. <u>Carrie Lee Elliott</u>	<u>W</u>	<u>F</u>	<u>70</u>	1. <u>Willie J. Grimes</u>	<u>B</u>	<u>M</u>		
2. _____				2. _____				
3. _____				3. _____				
4. _____				4. _____				

Has any evidence in this case been submitted to the laboratory previously? No To which section? _____

Do any subjects have the following:
(Circle) AIDS V.D. HEPATITIS TETANUS TB LICE

Which subject(s)? _____

Item(s)	Type Container / Description of Evidence	Examine For	Origin of Evidence (Exact Location)
<u>2</u>	<u>BPB/Victim's Panties</u>	<u>Hair; Semen</u>	<u>Crime Scene</u>
<u>3</u>	<u>CPB/Hair Samples</u>	<u>" "</u>	<u>" "</u>
<u>5</u>	<u>Cardboard Box/SBI Rape Kit</u>	<u>" "</u>	<u>" "</u>
<u>6</u>	<u>BPB/Victim's Clothing</u>	<u>" "</u>	<u>" "</u>

Additional Analysis Requested / Instructions: Retain ABOVE Evidence Suspect kit to Follow

Return Evidence To (if different from Requesting Officer): _____

Item(s)	Received By:	(Print)	(Initial)	From:	(Print)	(Initial)	Date/Time

CHAIN OF CUSTODY
SBI USE ONLY

000044

North Carolina
STATE BUREAU OF INVESTIGATION
Department of Justice
RALEIGH

LABORATORY REPORT

TO: Officer J.M. Holsclaw/*Blackburn*
Hickory Police Department
35 First Street, N.E.
Hickory, N.C. 28601

DATE: November 25, 1987

SBI LAB NO.: R870015364

SBI FILE NO.:

TYPE OF CASE: First Degree Rape, Burglary
& Kidnapping

AGENCY FILE NO.: 87-22509

LOCATION: Catawba County

EXAMINED BY: D.J. Spittle

SUBJECT: VICTIM - CARRIE LEE ELLIOTT
SUSPECT - WILLIE J. GRIMES

MATERIAL SUBMITTED BY: First-Class Mail

DATE OF OFFENSE: October 24, 1987

DATE SUBMITTED: November 2, 1987

ITEMS SUBMITTED:

Item #2: Panties from crime scene.

Item #3: Hair samples from crime scene.

Item #5: An SBI Rape Kit containing the following articles of evidence identified as collected and/or prepared from the victim:

- a. Blood sample.
- b. Two vaginal smears.
- c. Two vaginal swabs.
- d. Saliva sample.
- e. Pubic hair sample.
- f. Head hair sample.
- g. Pubic hair combings.

Item #6: Nightgown and robe from the victim.

TYPE ANALYSIS REQUESTED:

Semen analysis.

RESULTS OF ANALYSIS:

Analysis of Item #5a gave blood grouping reactions for an ABO group A nonsecretor.

Examination of Items #2, #5b, #5c, #5d and #6 failed to reveal the presence of semen.

I, Lacy H. Thornburg, Attorney General of the State of North Carolina, hereby certify that the form identified as; North Carolina State Bureau of Investigation, Department of Justice, Laboratory Report, is a form approved by me for the purpose stated in G.S. 90-95 (g) and approved by me in compliance with the said statute.

COPIES TO:

Mr. Robert E. Thomas, D.A.

THIS REPORT IS TO BE USED ONLY IN CONNECTION WITH AN OFFICIAL
CRIMINAL INVESTIGATION

Robert Morgan
Robert Morgan, Director

This report represents a true and accurate result of my analysis on the item(s)
described.

David J. Spittle 000016

PLACE BELOW

RESULTS OF ANALYSIS (continued):

Items #3, #5e, #5f, #5g and hair from Item #6 were not examined. If hair analysis is desired, these items along with known pubic and head hair samples from the suspect should be submitted to the Trace Evidence Section for comparison.

DISPOSITION OF EVIDENCE:

The evidence is being returned via first-class mail in the attached package.

DJS/PDD/mcr
Attachment

1. AGENCY HICKORY POLICE DEPARTMENT	2. IDENTIFIER OR NC 0280200	3. DATE OF ORIGINAL REPORT MO 10 / DAY 24 / YR 87	4. ORIGINAL OFFENSE	5. OCA NUMBER 87-22509
6. NEW/CHANGED OFFENSE	7. NEW/CHANGED RELATIONSHIP	8. NEW/CHANGED WEAPON	9. NEW/CHANGED PREMISE	10. TOTAL ARRESTS
13. ADDITIONAL OFFENDERS				11. ADULT
				12. JUVENILE

14. CHANGED OFFENDER

FROM: RACE _____ ETHN _____ SEX _____ AGE _____ TO: RACE _____ ETHN _____ SEX _____ AGE _____

#1 RACE _____ ETHN _____ SEX _____ AGE _____ #2 RACE _____ ETHN _____ SEX _____ AGE _____

#3 RACE _____ ETHN _____ SEX _____ AGE _____ #4 RACE _____ ETHN _____ SEX _____ AGE _____

15. PROPERTY CLASSIFICATION	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY	PROPERTY CLASSIFICATION	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY
CURRENCY, NOTES, ETC	A		HOUSEHOLD GOODS	H	
JEWELRY, PRECIOUS METALS	B		FOOD STUFFS	I	
CLOTHING, FURS	C		LIVESTOCK	J	
MOTOR VEHICLES	D				
OFFICE EQUIPMENT	E				
T.V., RADIO, CAMERA, ETC.	F				
FIREARMS	G		GRAND TOTAL		

16. NARRATIVE

Reference: First Degree Burglary, Rape, Common Law Robbery - Victim: Carrie Lee Elliot

On 02/22/88, R/O went before the Catawba County Grand Jury against Willie James Grimes charging him with one count of First Degree Burglary, two counts of First Degree Rape and one count of Common Law Robbery. Case is open pending court disposition.

Ntce: This indictment superseded the one on 12/14/87.

17. OFFICER'S NAME/ID # S. O. Hunt	18. OFFICER'S SIGNATURE 	19. DATE/TIME SUBMITTED MO 03 / DAY 04 / YR 88 1700 hr	20. SUPERVISOR'S SIGNATURE 	21. CASE STATUS <input checked="" type="checkbox"/> FURTHER INV. <input type="checkbox"/> INACTIVE <input type="checkbox"/> CLOSED	22. CASE DISPOSITION <input type="checkbox"/> UNFOUNDED <input type="checkbox"/> CL BY ARREST <input type="checkbox"/> EXC. CLEARED. <input type="checkbox"/> ADULT <input type="checkbox"/> EXC. CLEARED-JUV.	23. PAGE OF
---------------------------------------	---	---	---	---	---	----------------

000013

1 AGENCY **Hickory Police Department** 2 IDENTIFIER/RI NC **0180200** 3 DATE OF ORIGINAL REPORT **10 / 24 / 87** 4 ORIGINAL OFFENSE
 5 OCA NUMBER **87-22509**
 6 NEW/CHANGED OFFENSE 7 NEW/CHANGED RELATIONSHIP 8 NEW/CHANGED WEAPON 9 NEW/CHANGED PREMISE 10 TOTAL ARRESTS 11 ADULT 12 JUVENILE

13 ADDITIONAL OFFENDERS

14 CHANGED OFFENDER

FROM: RACE _____ ETHN _____ SEX _____ AGE _____ TO: RACE _____ ETHN _____ SEX _____ AGE _____

15. PROPERTY CLASSIFICATION	ADDITIONAL VALUE STOLEN		PROPERTY CLASSIFICATION	VALUE AT RECOVERY	
	C	D		C	D
CURRENCY, NOTES, ETC.	A		HOUSEHOLD GOODS	H	
JEWELRY, PRECIOUS METALS	B		FOOD STUFFS	I	
CLOTHING, FURS	C		LIVESTOCK	J	
MOTOR VEHICLES	D				
OFFICE EQUIPMENT	E				
T.V., RADIO, CAMERA, ETC.	F				
FIREARMS	G				
GRAND TOTAL					

16. NARRATIVE

Reference: First Degree Burglary; First Degree Rape; Common Law Robbery - Victim: Carrie Lee Elliott

On 05-24-88, R/O transported Willie James Grimes from the Catawba County Jail to Catawba Memorial Hospital for a non-testimonial procedure. R/O and Grimes arrived at the hospital emergency room at 0950 hrs. Attorney for Grimes, Mr. Edward X. Detarres, arrived at the hospital at 1000 hrs. The procedure began at 1055 hrs by Emergency Room Dr. Thomas Sanderson. Evidence taken from Grimes by the doctor was saliva, pubic hair, head hair, and blood. The procedure was concluded at 1107 hrs. R/O received from Dr. Sanderson a suspect rape kit package sealed by the doctor. R/O transported Grimes back to the Catawba County Jail. R/O placed the suspect rape kit package into a rape kit box, sealed it and turned it over to Jack Hoisclaw, Evidence Technician, Hickory Police Dept.

Case pending court disposition.

17. OFFICER'S NAME/ID # **S.O. Hunt** 18. OFFICER'S SIGNATURE *[Signature]* 19. DUTY TIME SUBMITTED **005, 025 Y88 1030** 20 SUPERVISOR'S SIGNATURE *[Signature]*

21 CASE STATUS PARTIAL INV. UNFOUNDED CL. BY ARREST EXC. CLEARED. ADULT EXC. CLEARED-JUV. INACTIVE CLOSED

23. PAGE **1** OF **1**

000014

POLICE DEPARTMENT
HICKORY, N. C.

EVIDENCE CONTROL FORM

OCA # 87-22509
(One Only)

Officer S.O. Hunt Type Case Rape, Robbery, Burglary

Victim/Owner CALIE ELLIOTT

Victim/Owner Address 104 8th Ave. SW Telephone 324-5165

City Hickory State NC Zip Code 28601

Suspects Willie James Colman

Analysis Requested yes Hold Destroy Return

Item No	Evidence Description	Where/Whom From	Date Time	Type Container
<u>I</u>	<u>Rape Kit</u>	<u>Charlotte Mem. Hospital Dr. Thomas Sanderson</u>	<u>5/24/88 11:20 am</u>	<u>Sealed Envel.</u>

Comments:

Item No	Received By	Received From	Date/Time Received	Property Room Location
<u>1</u>	<u>JM Hunt</u>	<u>S.O. Hunt</u>	<u>5-24-88 1420</u>	<u>SRR-R</u>
				<u>5-25-88</u>

Final Disposition of Evidence I - in Evidence in Superior Ct.

Property Officer Victim/Owner

Witness Date/Time

North Carolina
STATE BUREAU OF INVESTIGATION

Department of Justice
RALEIGH

LABORATORY REPORT

TO: Officer J. M. Holsclaw
Hickory Police Department
35 1st Street NE
Hickory, N. C. 28601

DATE: June 28, 1988

SBI LAB NO.: R870015364

SBI FILE NO.:

TYPE OF CASE: Rape - Kidnap - Burglary

AGENCY FILE NO.: 87-22509

LOCATION: Catawba County

EXAMINED BY: D. T. Hamlin

SUBJECT: CARRIE LEE ELLIOTT (VICTIM)
WILLIE J. GRIMES (SUSPECT)

MATERIAL SUBMITTED BY: First Class Mail
(Priority Mail)

DATE OF OFFENSE: October 24, 1987

DATE SUBMITTED: May 27, 1988

ITEMS SUBMITTED:

- Item #7a: A sealed manila envelope containing head hair of Willie Grimes.
- Item #7b: A sealed manila envelope containing pubic hair of Willie Grimes.
- Item #7c: A sealed manila envelope containing pubic hair combings from Willie Grimes.
- Item #7d: Blood of Willie Grimes.
- Item #7e: Saliva of Willie Grimes.
- Item #5a: Blood of Carrie Elliott.
- Item #5b: Vaginal smears of Carrie Elliott.
- Item #5c: Vaginal swabs.
- Item #5d: Saliva sample of Carrie Elliott.
- Item #5e: A sealed manila envelope containing pubic hair of Carrie Elliott.
- Item #5f: A sealed manila envelope containing head hair of Carrie Elliott.
- Item #5g: A sealed manila envelope containing pubic hair combings from Carrie Elliott.
- Item #2: A sealed paper bag containing panties from Carrie Elliott.
- Item #3: A sealed plastic bag containing hair from bed at scene.
- Item #6: A sealed paper bag containing night gown and robe.

TYPE ANALYSIS REQUESTED:

Hair examination.

Lacy H. Thornburg, Attorney General of the State of North Carolina, hereby certify that the form identified as: North Carolina State Bureau of Investigation, Department of Justice, Laboratory Report is a form approved by me for the purpose stated in G.S. 90-95(g) and approved by me in compliance with the said statute.

COPIES TO:

Mr. Robert E. Thomas, D. A.

THIS REPORT IS TO BE USED ONLY IN CONNECTION WITH AN OFFICIAL
CRIMINAL INVESTIGATION.

Robert Morgan, Director

This report represents a true and accurate result of my analysis
on the item(s) described.

D. T. Hamlin

000021

RESULTS OF ANALYSIS:

Examination of Item #3 revealed the presence of a Negroid head hair which was found to be microscopically consistent with the head hair of Willie Grimes. Accordingly, this hair could have originated from Willie Grimes.

DISPOSITION OF EVIDENCE:

The evidence is being returned via first class mail.

DTH:pg
Attachment

E. X. DE TORRES
ATTORNEY AT LAW
102 N. MAIN AVE.
NEWTON, N. C. 28650

*File
87-22509*

MAILING ADDRESS
P. O. BOX 168

DIAL 464-3117 OR
464-8930
AREA CODE 704

June 30, 1988

TO: Witnesses in the Willie Grimes Case
Catawba County Superior Court

FROM: E.X. de Torres
Attorney at Law

RE: Coming to Court to Testify

This is to advise you that the District Attorney has changed it's mind and is proposing to try the Linebarger Murder Trial beginning July 5, 1988 instead of Mr. Grimes case. If they do try it, they anticipate it taking more than one week.

However, the case could terminate at any time through a plea, and we may very well be next up for trial during the July 5, or July 11 weeks of Superior Court.

To make it as convenient on you as possible, I would suggest that you do not come to Court on July 5, but instead call my office that morning so we can place you on telephone stand-by. You will need to be close to a phone during these two (2) weeks so we can reach you to come to court when it is necessary.

Please rest assured that we will not call you unless we need you, but that we will need you if the case is tried as your testimony is vital to the defense of Mr. Grimes.

I understand that this is an inconvenience to you, but please compare that to the two (2) life imprisonment plus sixty (60) years that Willie Grimes is facing in the charges against him, and you can understand why we have to do everything possible to avoid him spending the rest of his life in Central Prison.

Thank you for your understanding and your cooperation. Please remember that you are still under a legal Subpoena, and check in with my office by telephone on Tuesday, July 5th.

Sincerely,

E. X. de Torres

E.X. de Torres
Attorney at Law

EXD/dr

000018

1. AGENCY **HICKORY POLICE DEPARTMENT** 2. IDENTIFIER/ORI **NC 0180200** 3. DATE OF ORIGINAL REPORT **MO 10 / DAY 24 / YR 88** 4. ORIGINAL OFFENSE
 5. OCA NUMBER **88-22509**
 6. NEW/CHANGED OFFENSE 7. NEW/CHANGED RELATIONSHIP 8. NEW/CHANGED WEAPON 9. NEW/CHANGED PREMISE 10. TOTAL ARRESTS 11. ADULT 12. JUVENILE

13. ADDITIONAL OFFENDERS
 #1 RACE ETHN SEX AGE #2 RACE ETHN SEX AGE #3 RACE ETHN SEX AGE #4 RACE ETHN SEX AGE
 14. CHANGED OFFENDER

FROM: RACE ETHN SEX AGE TO: RACE ETHN SEX AGE FROM: RACE ETHN SEX AGE TO: RACE ETHN SEX AGE

15. PROPERTY CLASSIFICATION	C	O	D	E	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY	PROPERTY CLASSIFICATION	C	O	D	E	ADDITIONAL VALUE STOLEN	VALUE AT RECOVERY
CURRENCY, NOTES, ETC	A						HOUSEHOLD GOODS	H					
JEWELRY, PRECIOUS METALS	B						FOOD STUFFS	I					
CLOTHING, FURS	C						LIVESTOCK	J					
MOTOR VEHICLES	D												
OFFICE EQUIPMENT	E												
TV, RADIO, CAMERA, ETC	F												
FIREARMS	G						GRAND TOTAL						

16. NARRATIVE
 Reference: Rape, Burglary, Common Law Robbery - Victim: Carrie Lee Elliott

On 07-12-88, Jury returned with Guilty verdicts in two counts of First Degree Rape and one count of Kidnapping. Willie James Grimes received one (1) life plus nine (9) years in the State Dept. of Corrections.

R/O requests this case be marked Closed; Cleared by Arrest.

17. OFFICER'S NAME/ID # **S. O. Hunt** 18. OFFICER'S SIGNATURE *S. O. Hunt* 19. DATE/TIME SUBMITTED **08/09/88 1700 hr** 20. SUPERVISOR'S SIGNATURE *[Signature]*
 21. CASE STATUS FURTHER INV. INACTIVE CLOSED
 22. CASE DISPOSITION UNFOUNDED EXC. CLEARED ADULT EXC. CLEARED JUV.
 23. Page **1** OF **1**

000027

OCA-87-22509
CASE: RAPE / KIDNAPPING/ BURGLARY
VICTIM: CARRIE LEE ELLIOTT
SUSPECT: WILLIE JAMES GRIMES
REFERENCE: EVIDENCE TO SBI LAB
OFFICER: L.E. WALKER

ON 10/18/2011, AT 0855 HRS. I MET WITH CAPTAIN WHISNANT WHO READ ME AN EMAIL FROM ERIC BELLAS THAT WAS REQUESTING A LATENT LIFT FROM THIS CASE BE SUBMITTED TO THE SBI LAB. THIS WAS AT THE REQUEST OF THE INNOCENCE INQUIRY COMMISSION.

ON 10/20/2011, AT 0900 HRS. I SPOKE WITH S/A BRIAN DELMOS OF THE SBI LAB IN ASHEVILLE AND ADVISED HIM OF THIS CASE. HE REQUESTED A COPY OF THE EMAIL BE SENT WITH THE SBI-5 REQUEST.

AT 0930 HRS. I PACKAGED UP ITEM # 1 AND SENT IT FIRST CLASS MAIL TO THE SBI LAB IN ASHEVILLE TO BE PROCESSED INTO AFIS. A COPY OF THE EMAIL FROM THE DISTRICT ATTORNEYS OFFICE WAS ALSO SUBMITTED WITH THE SBI-5

A COPY OF THE SBI-5 AND THE EMAIL ARE ATTACHED WITH THIS REPORT.

ALL ABOVE TIMES ARE APPROXIMATE.

ALL CASE NOTES ARE ATTACHED WITH THIS REPORT.

NO FURTHER AT THIS TIME.



SUBMITTED BY INVESTIGATOR L.E. WALKER

10/20/2011

000023

Gene Walker

From: Thurman Whisnant
Sent: Tuesday, October 18, 2011 8:55 AM
To: Gene Walker
Subject: FW: Grimes case

From: Bellas, Eric R. [<mailto:Eric.R.Bellas@nccourts.org>]
Sent: Monday, October 17, 2011 3:52 PM
To: Thurman Whisnant
Subject: Grimes case

Thurman,

I have pasted Ms. Lau's request below. Please let me know if there is a problem or if it is on the way. Thanks, as always
- Eric

I do have two requests, however, if the Hickory PD or your office submits the prints. First, on the SBI-5 submission form, I would ask that it be specified that any biological material on the lift card be preserved. DNA profiles are sometimes developed from lift cards. Generally, if an offender is in the AFIS database, they are also in CODIS. However, if the prints are insufficient to run through AFIS, the Commission may want to have a lab attempt to develop a DNA profile to have it queried in CODIS. Second, I would ask that the SBI-5 state that the comparison is being done at the request of the DA's office and Innocence Inquiry Commission and that a copy of the SBI's report be sent to the Commission.

Eric R. Bellas
Assistant District Attorney
828-433-3278

E-mail correspondence to and from this address may be subject to the North Carolina public records laws and if so, may be disclosed.



000041



104

























Appendix B
Summary of Victim Descriptions
(Created by Commission Staff)

Ms. Elliott's Descriptions of the Rapist

Police Report of Responding Officer Lee - 10/24/87 (at scene)

- Black Male
- Approx. 6 feet tall
- Weight 200-225 lbs
- Approx. 35 years-old
- Very dark skinned
- Bushy hair
- Box on police report checked that victim can id suspect

Police Report of Officer Moore - 10/24/87 between 9:17pm-11:49pm (at Catawba Valley Hospital)

- Only physical description is unknown black male

Police Report of Officer Blackburn - 10/24/87 11:49pm (at Hickory Police Dept.)

- Black Male
- Approx. 35 years-old
- 6' - 6'1"
- Very large build
- Bushy hair
- Needed a shave
- Wearing dark pants and green pullover shirt
- Strong odor of alcohol – smell of "rock gut" liquor

Police Report by Officer Bryant - 10/26/87 12:15pm (at Hickory Police Dept. when Ms. Elliott informed police that Linda McDowell may know name of attacker)

- Spoke with a lisp (could be because so drunk)
- Mole or some kind of bump on face – could have been on right side, but not sure – may have scratched because broke fingernails off on him
- Could identify if saw him again

Police Report by Officer Bryant - 10/26/87 – 8:15pm (at Ms. Elliott's relative's home)

- Picks Grimes from lineup
- Would always remember his face
- Hair is longer than in lineup photo
- Big mole on face because felt it with hand and may have scratched
- Mole was close to corner of mouth
- Not sure about side of face, but probably left side
- May have seen before at Barry Allen's

Probable Cause Hearing - 11/17/1987 (from Defense Attorney de Torres' Notes)

- Black Man
- Pretty Good Size - Near as tall as Officer Hunt
- Jeans or pants
- IDs Grimes as "Looks like him"
- Needed a shave
- Lump on face

Trial Testimony - 7/6/1988

- Had seen him next door
- Medium green shirt – nothing on under shirt – pulled off over head
- "Jean like" or blue pants
- Mole on his face – believe on right side – saw it and tried to scratch it off
- Needed a shave (wearing a moustache)
- Identified Grimes (and maybe attorney first time)

Appendix C
Booking Photos of Grimes and Turner

Booking Photo:

Albert Lindsey Turner

03/31/1985



POLAROID TYPE 107C
Albert Lindsey Turner
DOB 1-16-47
Arrested 3-31-85
Fel. B+E
Hickory, N. C. Police Dept.
Dept. # C-11 2284
NAME _____
ALIASES: Lee Leo
DOB 1-16-47 Ht 6'11"
Wt 203 Hair BLK Eye GRN
DATE OF PHOTO 3-31-85
By: King
ARRESTING OFFICER

000095

SD NC0403190A FBI 816 792 HA2 OCA 9633

GRIMES, WILLIE JAMES

B 602 08/23/46

NCIC
FPC

PI XX XX PD 13 PD 10 AA 11 13

SEX M

HENRY
CLASS

10 I 13 UA 0 0 13 AMP
0 17 UA 0 1

Booking Photo:

Willie J. Grimes

11/02/1985

NC0160200 POLICE DEPARTMENT
HICKORY

NC 10/27/87

A search of the above individual's fingerprints failed to disclose a prior arrest record.
Please ensure FINAL DISPOSITION is submitted.

02/03/88

1-0 (Rev 10-18-83)

IDENTIFICATION DIVISION
FEDERAL BUREAU OF INVESTIGATION

HICKORY POLICE DEPARTMENT

Name: Willie Grimes 9633

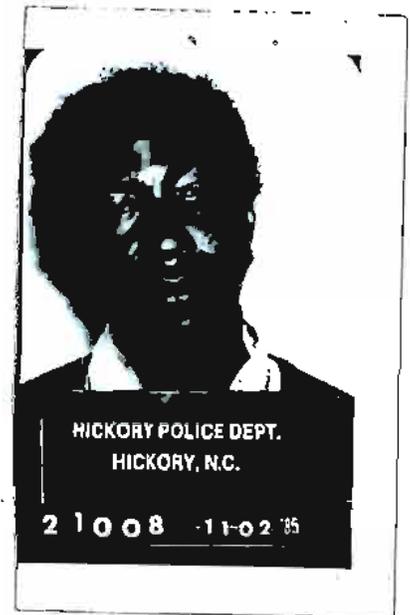
Alias: Woot

Date of Birth: 8-23-46 Height: 6'

Weight: 170 Hair: Blk Eyes: B

Offense: Trespass

Arresting Officer: Law

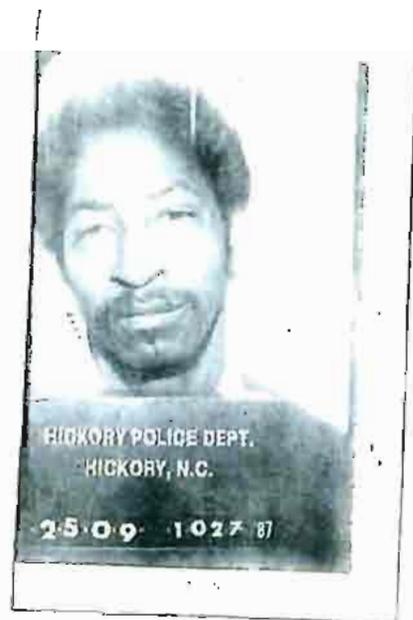


000016

Booking Photo:

Wille J. Grimes

10/27/1987



HICKORY POLICE DEPT.

Name: WILLE JAMES GRIMES

Aliases: _____

Date of Birth: 2/23/46 Height: 6'2"

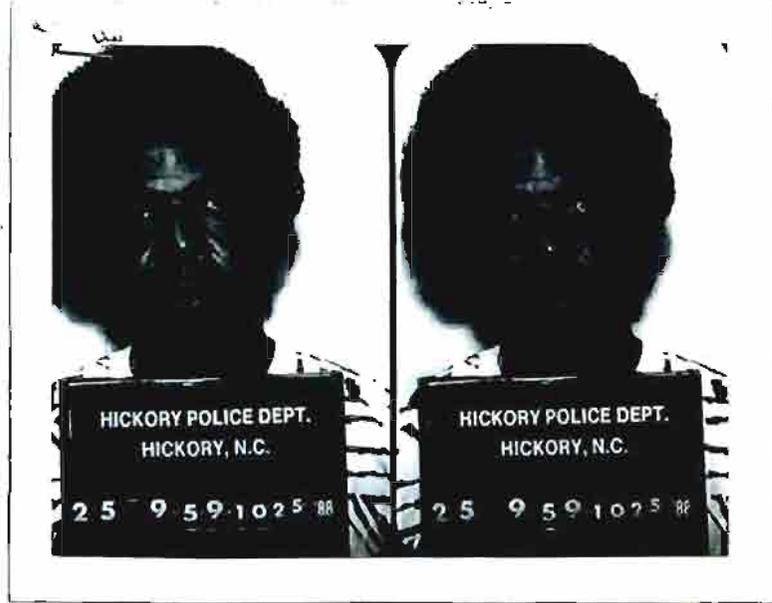
Weight: 165 Hair: Black Eyes: Brown

Offense: TAPE BURGLARY ROBBERY

Arresting Officer: [Signature]

000013

Booking Photo:
Albert Lindsey Turner
10/25/1988



HICKORY POLICE DEPARTMENT

Name: ALBERT LINDSEY TURNER
Aliases: NONE
Date of Birth: 10/25/1988
Weight: 200
Offense: BATTERY
Arresting Officer: C. J. McLELLAND
Arresting Agency: HICKORY POLICE DEPARTMENT

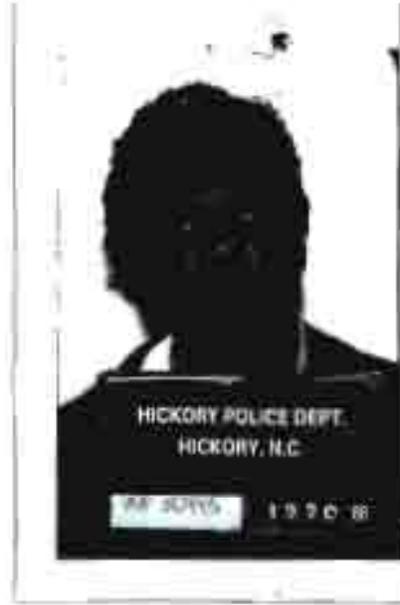
Name: ALBERT LINDSEY TURNER
Aliases: NONE
Date of Birth: 10/25/1988
Weight: 200
Offense: BATTERY
Arresting Officer: C. J. McLELLAND
Arresting Agency: HICKORY POLICE DEPARTMENT

000090

Booking Photo:

Albert Lindsey Turner

12/20/1988



000099

Appendix D
Inv. S.O. Hunt File



1



2



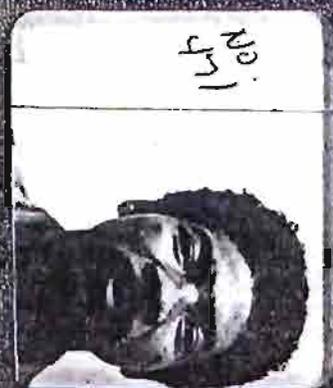
3



4



5



6



1



2



3



4



5



6

900006



1



4



2



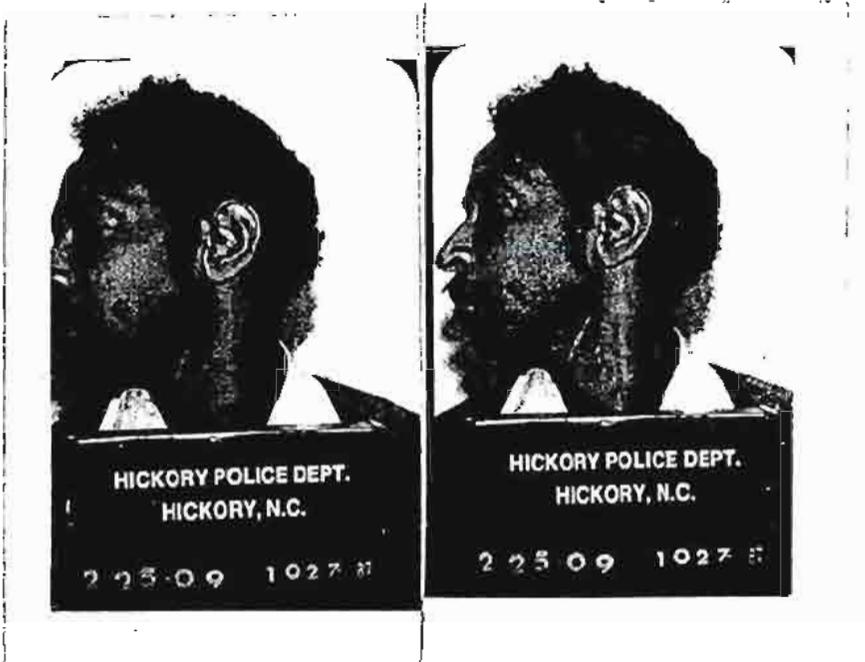
5



3



6



HICKORY POLICE DEPT.
HICKORY, N.C.

2 25 09 1027 B



HICKORY POLICE DEPT.
HICKORY, N.C.

2 25 09 1027 B

HICKORY POLICE DEPARTMENT

Name: _____

Aliases: _____

Date of Birth: _____ Height: _____

Weight: _____ Hair: _____ Eyes: _____

Fingerprints: _____

Arresting Officer: _____



HICKORY POLICE DEPT.
HICKORY, N.C.

2 25 09 1027 2



WARRANT FOR ARREST

Offense

First Degree Rape

Offense in Violation of G.S.

14-27.2

Date of Offense

10-24-87

The State of North Carolina VS

Defendant Name & Address

"F" Ave. S.E., Hickory, N.C.

Defendant's Phone Number

Race

B

Sex

M

Date of Birth

08-23-46

Defendant's Employer

Complainant (Name, Address or Department, Phone)

Inv. S.O. Hunt and SGT. S.L. Bryant

Hickory, P.D.

Witnesses (Names, Addresses, Phone No.s)

104 8th Ave. Dr. S.E., Hickory, N.C.

000021

STATE OF NORTH CAROLINA

Catawba

County

In the General Court of Justice

District Court Division

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did ravish and carnally know [redacted], by force and against the victim's will. This act was

in violation of the law referenced on this Warrant.

You are directed to arrest the defendant and bring him without unnecessary delay before a judicial official to answer the charges above.

This warrant is issued upon information furnished under oath by the complainant or complainants listed

Date

10-27-87

Signature

[Handwritten Signature]

Magistrate

Deputy CSC

Asst CSC

Clerk of Superior Court

WARRANT FOR ARREST

STATE OF NORTH CAROLINA

In the General Court of Justice

Catawba

County

District Court Division

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense charged below:

Offense
First Degree Rape

Offense in Violation of G.S.
14-27.2

Date of Offense
10-24-87

The State of North Carolina VS.

Defendant Name & Address
Willie James Grimes

"F" Ave. S.E., Hickory, N.C.

Defendant's Phone Number

Race B Sex M Date of Birth 08-23-46

Defendant's Employer

Complainant (Name, Address or Department, Phone)
Inv. S.O. Hunt and SGT. S.L. Bryant

Hickory, P.D.

Witnesses (Names, Addresses, Phone No.s)
Carrie Lee Elliott

104 8th Ave. Dr. S.E., Hickory, N.C.

in violation of the law referenced on this Warrant.

You are directed to arrest the defendant and bring him without unnecessary delay before a judicial official to answer the charges above.

This warrant is issued upon information furnished under oath by the complainant or complainants listed.

000044

Date

10-27-87

Signature

Joseph M. Maye

Magistrate

Deputy CSC

Assl CSC

Clerk of Superior Court

STATE OF NORTH CAROLINA In the General Court of Justice
 Catawba County District Court Division

File No	WARRANT FOR ARREST	
Offense	First Degree Kidnapping	
Offense in Violation of G.S.	14-39	
Date of Offense	10-24-87	
The State of North Carolina vs.		
Defendant Name & Address	[REDACTED]	
"F" Ave., S.E., Hickory, N.C.		
Defendant's Phone Number		
Race	Sex	Date of Birth
B	M	08-23-46
Defendant's Employer		
Complainant (Name, Address or Department, Phone)	Inv. S. O. Hunt and Sgt. S. L. Bryant	
Hickory P.D.		
Witnesses (Names, Addresses, Phone No.s)	[REDACTED]	
104 8th Ave. Dr., S.E., Hickory, N.C.		

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did kidnap [REDACTED] a person who had attained the age of 16 years, by unlawfully restraining her and for the purpose of facilitating the commission of a felony, First Degree Rape, and terrorizing her. [REDACTED] was seriously injured and was sexually assaulted. This act was

in violation of the law referenced on this Warrant.
 You are directed to arrest the defendant and bring him without unnecessary delay before a judicial official to answer the charges above.

This warrant is issued upon information furnished under oath by the complainant or complainant listed.

Date 10-27-87
 Signature *[Signature]*
 Magistrate Deputy CSC Asst. C.
 Clerk of Superior Court

000022

STATE OF NORTH CAROLINA In the General Court of Justice
Catawba County District Court Division

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did steal, take, and carry away another's property, apples and bananas of the value of approximately \$3.00, from the person and presence of [REDACTED] by means of an assault upon her consisting of putting her in fear of bodily harm by threat of violence. This act was

in violation of the law referenced on this Warrant.
You are directed to arrest the defendant and bring him without unnecessary delay before a judicial official to answer the charges above.

This warrant is issued upon information furnished under oath by the complainant or complainants listed.

Date 10-27-87
Signature [Signature]
 Magistrate Deputy CSC Asst. CSC
 Clerk of Superior Court

File No	File No
WARRANT FOR ARREST	
Offense	Common Law Robbery
Offense in Violation of G.S.	Common Law
Date of Offense	10-24-87
The State of North Carolina VS.	
Defendant Name & Address	[REDACTED]
Defendant's Phone Number	"F" Ave. S.E., Hickory, N.C.
Race	B
Sex	M
Date of Birth	08-23-46
Defendant's Employer	
Complainant (Name, Address or Department, Phone)	Inv. S.O. Hunt and Sgt. S.L. Bryant
Hickory P.D.	
Witnesses (Names, Addresses, Phone No s)	[REDACTED]
104 8th Ave. Dr. S.E., Hickory, N.C.	
000025	

No. File No.

WARRANT FOR ARREST

Offense
First Degree Burglary

Offense in Violation of G.S.
14-51

Date of Offense
10-24-87

The State of North Carolina VS.

Defendant Name & Address
Willie James Grimes
"F" Ave. S.E., Hickory, N.C.

Defendant's Phone Number:

Race	Sex	Date of Birth
B	M	08-23-46

Defendant's Employer:

Complainant (Name, Address or Department, Phone)
Inv. S. O. Hunt and Sgt. S.L. Bryant

Hickory P.D.

Witnesses (Names, Addresses, Phone No.s)
Carrie Lee Elliott

104 8th Ave. Dr. S.E., Hickory, N.C.

000045

STATE OF NORTH CAROLINA
Catawba County
District Court Division

In the General Court of Justice

To any officer with authority and jurisdiction to execute a warrant for arrest for the offense charged below:

I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did during the nighttime between the hours of 8:30 p.m. and 9:30 p.m. break and enter the dwelling house of Carrie Lee Elliott located at 104 8th Avenue Drive S.E., Hickory, North Carolina. At the time of the breaking and entering the dwelling house was actually occupied by Carrie Lee Elliott. The defendant broke and entered with the intent to commit a felony therein, First Degree Rape. This act was

in violation of the law referenced on this Warrant.

You are directed to arrest the defendant and bring him without unnecessary delay before a judicial official to answer the charges above.

This warrant is issued upon information furnished under oath by the complainant or complainants listed.

Date 10-27-87

Signature *[Signature]*

Magistrate Deputy CSC Assl. CSC

Clerk of Superior Court



HICKORY (704) 312-0451
NEWTON (704) 454-5335

810 FAIRGROVE CHURCH RD.
HICKORY, NORTH CAROLINA

AUTHORIZATION FOR RELEASE OF INFORMATION

I HEREBY AUTHORIZE CATAWBA MEMORIAL HOSPITAL TO FURNISH COPIES OF MY HOSPITAL RECORDS AS INDICATED BELOW TO Hickory
Police Dept.

AND HEREBY RELEASE CATAWBA MEMORIAL HOSPITAL FROM ALL LEGAL LIABILITY WHICH COULD ARISE FROM THE RELEASE OF THE REQUESTED INFORMATION.

- () HISTORY & PHYSICAL
- () DISCHARGE SUMMARY
- () OPERATIVE REPORT
- () PATHOLOGY REPORT
- () LABORATORY REPORTS
- () X-RAY REPORTS
- () EKG REPORTS

OTHER ER chart
and progress note

SIGNED Cecilia Elliott

RELATIONSHIP IF OTHER THAN PATIENT

WITNESS Richards R.

DATE 10/24/87

CHIEF COMPLAINT

Rape

PRESENT MEDS Aldomet Mecor K	ALLERGIES PCN	TIME 3:55	TEMP 98.3	PULSE 100	RESP. 20	B/P 192/88	LAST TETANUS unknown
NURSES NOTES See pt progress notes		Nurses Signature Richards		R.N.		ANCILLARY SERVICE ORDERS (LAB X-RAY EKG ETC.) ORDERED RESULT	

HISTORY & PHYSICAL

Reported attempt after a "Blacks man" furiously entered her home. He was a big one. "I'm buried all over & I have a terrible headache. Not beaten in head just head forced back. No neck pain on tenderness. Bruises on arms & over left shoulder & any lower tenderness. chest - no abdomen - benign. pelvic - laceration of anterior vaginal commissure & split extending about 2 cm. From commissure proximally beyond all in tent. no laceration of vaginal introitus

REATMENT
Stiffness collected.
Consult Dr. Cyranoski regarding laceration
Laceration repaired & using ro dexon.

DISPOSITION
 HOME AMA EXI
 DOA MORGU
 TRANSFERRED TO ()
 REFERRED TO ()
 Sleep
 ON: Monday
 DISPOSITION OF VALUABLE
 DISCHARGE CONDITION
 SATISFACTORY GO
 PAIR POOR CRITIC

INPT. HOSP. NO. ACCOUNT NO.
204785-00

AGNOSIS
Rape - Laceration anterior commissure

STSTRUCTIONS TO PATIENT
Sullivan in Seyle Monday

SERVICE	CODE	CHA
ER	5400	
PROF FEE	5610	56 10

HEAD INJURY CAST CARE WOUND CARE CHILDS FEVER OTHER

I HAVE RECEIVED AND UNDERSTOOD THE INSTRUCTIONS CHECKED

(SIGNATURE OF PATIENT OR RESPONSIBLE PERSON) _____ PHYSICIAN'S SIGNATURE _____ M.D.

PATIENT LAST NAME ELLIOTT	FIRST CARRIE	MIDDLE LEE	SOC. SEC. NO.	ER. SEC. LB	COUNTY 018	TELEPHONE 324-5165
STREET ADDRESS 104 8TH AVE DR SE	ROUTE	BOX	APT OR LOT	CAR WALK AMB CAR	ACCOMPANIED BY FAMILY	PHONE
CITY HICKORY	STATE NC	ZIP 28601	DATE OF BIRTH 12-14-17	AGE 69	SEX F	RACE W
RELATION STEPCHILD	GUARANTOR'S NAME - STREET ADDRESS - CITY - STATE - ZIP CARRIE LEE ELLIOTT, 104 8TH AVE DR SE, HICKORY, NC 28601		GUARANTOR'S TELEPHONE 324/324-5165 RETIRED		TOTAL CHARGES PAYMENT 4650	
POLICY HOLDER CARRIE L ELLIOTT			POLICY NO NO CARD			000026
POLICY HOLDER MEDICARE BOX 35 DURHAM			POLICY NO NO CARD			DOE \$

STATE BUREAU OF INVESTIGATION
P.O. BOX 29500
3320 OLD GARNER ROAD
RALEIGH, NORTH CAROLINA 27626

REQUEST FOR EXAMINATION

Officer: Please fill out these forms completely. Keep one copy, and submit the other two copies with the evidence to the laboratory. Seal the container by licking gummed flap, and then use the evidence seal provided.

Officer _____

Agency _____

Address _____

Agency File No. _____

ORI No. _____

SBI Lab No. _____

VICTIM: _____ race _____ age _____ sex _____

SUSPECT(S) _____ race _____ age _____ sex _____

Has any other evidence been previously submitted to the Laboratory in this case?

Yes _____

No _____

ITEMS SUBMITTED

RECEIVED BY

RECEIVED FROM

DATE

One Standard Suspect
Evidence Collection
Kit

(signature of officer)

(signature of physician and/or nurse)

OTHER EVIDENCE:

STATE BUREAU OF INVESTIGATION
P.O. BOX 29500
3320 OLD GARNER ROAD
RALEIGH, NORTH CAROLINA 27626

REQUEST FOR EXAMINATION OF SBI RAPE EVIDENCE KIT

Officer: Please fill out these forms completely. Keep one copy, place two copies in the box, and seal the box with the seals provided.

Officer Inv. J. L. Blackburn
Agency Hickory Police Dept.
Address 35154 St NE
Hickory, NC

Agency File No. 87-22509
ORI No. NCD 180200
SBI Lab No. _____

VICTIM: Elliot, Carrie Lee race W age 69 sex F
SUSPECT(S) unknown race B age unk sex m

Has any other evidence been previously submitted to the Laboratory in this case?

Yes _____ No _____

ITEMS SUBMITTED	RECEIVED BY	RECEIVED FROM	DATE
One Standard Rape Kit	<u>J. L. Blackburn</u> (signature of officer)	<u>Dr. Charles RJ</u> (signature of physician and/or nurse)	<u>10/24/87</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

OTHER EVIDENCE: _____

DURING INTERVIEW AND OBSERVATION

THE FOLLOWING DESCRIPTION AND INFORMATION WAS OBTAINED

NAME Willie James Gimes
ADDRESS 60 5th St SE HOW LONG? _____
PREVIOUS ADDRESS (ES) 871 3rd Ave SE
RACE Black SEX Male HEIGHT 6'2"
WEIGHT 165 lb EYES Brown HAIR Black
SCARS OR MARKS None, (cuts) Fingers on Right hand 2nd & 3rd
PLACE OF BIRTH Cleveland CO. DOB _____
MARITAL STATUS _____ WIFE'S NAME _____
SOCIAL SECURITY NUMBER 237-76-1584 SERVICE NUMBER _____
EMPLOYER _____ HOW LONG? _____
OCCUPATION _____
PHONE (HOME) _____ (WORK) _____
EDUCATION/SCHOOLS 12th Grade - Cleveland Tech
PREVIOUS ARREST Yes DWI
HAVE YOU EVER BEEN FINGERPRINTED BEFORE? YES () NO ()
IF SO, BY WHOM _____

INVESTIGATOR/OFFICER SOA
DATE 10/27/87
TIME 1700

50

4-5-88

Carmie Elliott called D.A.'s office and talked to Bill Johnson today. She said a friend of hers, a black female, (wouldn't give name) told her that Charlie, (no last name) had been doing weekends at Cal Co. and he is either in a cell with or close to Willie Grimes. Charlie said he heard Grimes say (after they asked him what he ^{was} in for) and brag about ~~to~~ he had raped an old white woman. Bill thinks Elliott thought the was recent that Charke was serving term. He needs you to try and locate this Charlie person as a possible witness.

Called Paul Burgess at the Putnam County Jail. Bef Charis's supervisor advised that he would go through the Jail book and try and find out.

1. ORI NC 0360600 2. UHI 08-4068 3. OCCA NO. 08-4068 4. ARREST TRACT 5. PRINTS PHOTO 6. ARREST NO.

7. NAME- LAST GARVIN FIRST Gregory MIDDLE JAMES 8. ALIAS-NICKNAME 9. DATE OF BIRTH 07-23-68 10. AGE 19 11. SEX M 12. RACE/ETH B SW

13. ADDRESS 816 Memory Lane PHONE 865-5371 14. PLACE OF BIRTH GASTONIA 15. HEIGHT 5'7" 16. WEIGHT 155 17. HAIR Black 18. EYES BRN

19. SCARS/MARKS/DIATTOOS S/E Narrative 20. SOCIAL SECURITY NUMBER 243-11-9088 21. OPERATOR LIC # & STATE 22. MISC. # / TYPE 23. OCCUPATION SUGGERY ATTENDER 26. PHONE 866-2005

24. EMPLOYER/SCHOOL GMA 25. ADDRESS 2525 COURT DR. DETAILS OF ARREST

27. DATE OF ARREST 06/26/88 28. TIME 00:05 A/CLOCK 29. ON VIEW WARRANT 30. PLACE OF ARREST 2307 N. CHESTER ST. GASTONIA

31. 1ST INFANTIL CHARGE B&E 32. COUNTS 1 33. UCR CODE 55 14-54(A) 34. STATUTE 2307 N. CHESTER 35. OFFENSE JURISDICTION 2307 N. CHESTER

36. 2ND/SUBSEQUENT CHARGE 38. 2ND/SUBSEQUENT CHARGE 39. COUNTS 1 40. UCR CODE 65 14-55 41. STATUTE 2307 N. CHESTER ST. 42. OFFENSE JURISDICTION 2307 N. CHESTER ST. 43. OFF. TRACT 44. WARRANT DATE 06/26/88

45. VEHICLE INFO. 46. VEHICLE INFO. STATE N/A MAKE N/A VIN 47. VEHICLE INVENTORY INFO. 48. COMPLAINT'S NAME A.T. KENNEDY/B.L. ADAMS P.O. BOX 1748 GASTONIA N.C.

49. DATE/TIME CONFINED 06/26/88 0230 24 HR. CLOCK 50. PLACE CONFINED GASTON CO. JAIL 51. COMMITTING MAGISTRATE ERICKSON 52. TYPE BOND Secured 53. AMOUNT 2500.00

54. DATE/TIME RELEASED 55. RELEASED BY 56. TRIAL DATE 06/27/88 57. COURT OF GASTON 58. DISP. DATE 59. CT. DOCKET # 60. COURT OF CITY 61. DISPOSITION GASTONIA

62. SENTENCE 63. NARRATIVE

WITTOSS: LED ON RIGHT ARM

N.D.O. RUBY GARVIN 816 MEMORY LANE, (MOTHER)

D.O.D. 06-25-88

RIGHT THUMB

64. ARRESTING OFFICER/NO. # 127 A.T. KENNEDY/Gibby 134 06/26/88 0635 24 HR. CLOCK 65. DATE/TIME SUBMITTED 66. SUPERVISOR SIGNATURE D.H. Parline

67. ARRESTEE SIGNATURE B.L. ADAMS/CONLEY 05 ORIGINAL COPY

3. OCA NO. **88-4068** 4. ARREST TRACT **5** 5. PRINTS PHOTO **Y** 6. ARREST NO. **000048**

7. NAME-LAST **SURRATT** FIRST **JERRY** MIDDLE **THOMAS** 8. ALIAS/NICKNAME **PIE HEAD** 9. DATE OF BIRTH **02-25-54** 10. AGE **34** 11. SEX **M** 12. RACE/ETHN **B/W**

13. ADDRESS **707 FIRST AVE. SOUTHEAST HICKORY** PHONE **322-4841** RESIDENCE TRACT **CLEVELAND CO.** 14. PLACE OF BIRTH **OH** 15. HEIGHT **5'11"** 16. WEIGHT **185** 17. HAIR **BLK** 18. EYES **BRN**

19. SCARS/MARKS/TATTOOS **NONE** 20. SOCIAL SECURITY NUMBER **838-88-8797** 21. OPERATOR LIC # & STATE **4669706 NC** 22. MISC. # / TYPE **DL** 23. OCCUPATION **UNEMPLOYED** 24. EMPLOYER / SCHOOL **N/A** 25. ADDRESS **N/A** 26. PHONE **N/A**

DETAILS OF ARREST

27. DATE OF ARREST **06/26/88** 28. TIME **0005** 29. ON VIEW WARRANT CRIMINAL SUMMONS 30. PLACE OF ARREST **2307 N. CHESTER ST. GASTONIA**

31. INITIAL CHARGE **B&E** 32. COUNTS **1** 33. UCR CODE **6S14-54(N)** 34. STATUTE **2307 N. CHESTER ST GAST** 35. OFFENSE JURISDICTION **2307 N. CHESTER ST. GAST** 36. OFF. TRACT **GASTONIA** 37. WARRANT DATE **06/26/88**

38. 2ND/SUBSEQUENT CHARGE **PREP TO COMIT BURE** 39. COUNTS **1** 40. UCR CODE **6S14-55** 41. STATUTE **2307 N. CHESTER ST. GAST** 42. OFFENSE JURISDICTION **2307 N. CHESTER ST. GAST** 43. OFF. TRACT **GASTONIA** 44. WARRANT DATE **06/26/88**

45. VEHICLE INFO **N/A** STATE **NC** MAKE **N/A** VIN **N/A** 46. PLACE STORED **N/A** ADDRESS **N/A**

47. VEHICLE INVENTORY INFO. TIME **N/A** BY: **JAMES M^E DAVIEZ** 48. COMPLAINANT'S NAME **C/O CLARK TIRE**

19. DATETIME CONFINED **06/26/88** 24 hr. **0230** CLOCK **GASTON CO. JAIL** 50. PLACE CONFINED **ERKSON** 51. COMMITTING MAGISTRATE **ERKSON** 52. TYPE BOND **SECURED** 53. AMOUNT **2500.00**

54. DATETIME RELEASED **06/27/88** 24 hr. **0612** CLOCK **GASTON DISTRICT** 55. RELEASED BY **GASTONIA** 56. TRIAL DATE **06/27/88** 57. COURT OF **GASTONIA** 58. DISP. DATE **06/27/88** 59. CT. DOCKET # **60. COURT OF** 61. DISPOSITION **RIGHT THUMB**

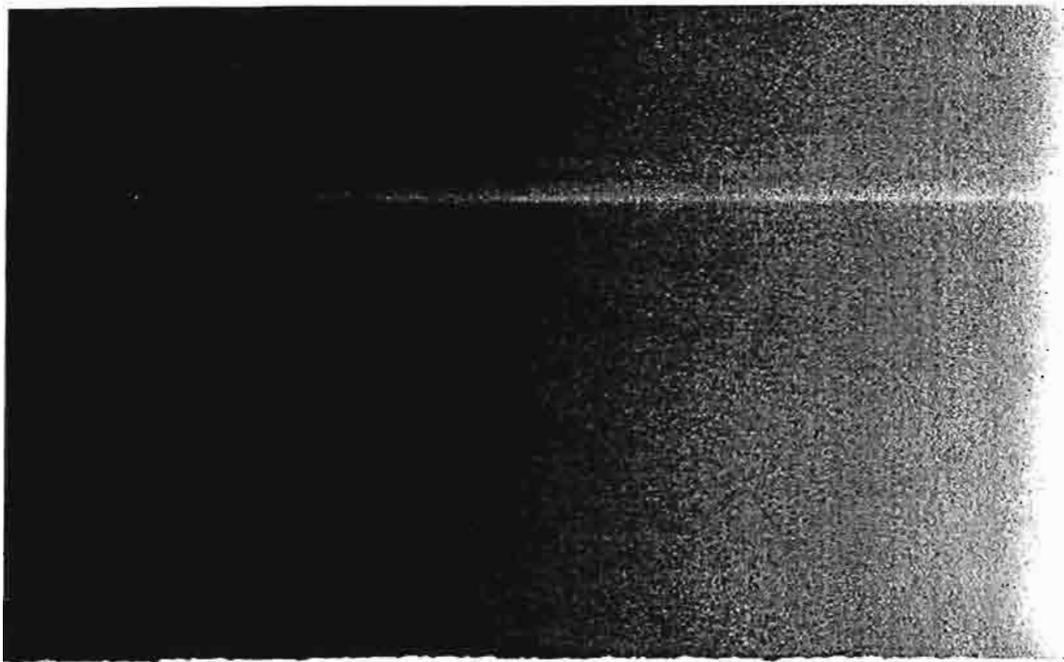
13. NARRATIVE **N.O.K - CLASSIFIED SLOAN (MOTHER) 207 FIRST ST. SOUTHEAST HICKORY**

D.O.O - 6-25-88

4. ARRESTING OFFICER/ID. # **S.E. COULEY 85/6166y134** 65. DATETIME SUBMITTED **06/26/88** 24 hr. **0400** CLOCK **D.H. FARKLER** 66. SUPERVISOR SIGNATURE **D.H. FARKLER** 67. ARRESTEE SIGNATURE

N.I.R. 208 **H.T. KENNEDY 197/B.L. ADAMS 45** ORIGINAL COPY

REV. 7/86



06/23/88 10:15:36 - 06/23/88 10:15:36 4438NNP107RS
 WANTED PERSON TITLE PAGE 00
 RAC/B POR/NO 005/022554 SEX/M HAIR/BLK EYE/BRN FB7/44347J9 SKN/MED
 OLN/4669706 OLS/NC OLY/90
 ENT-W-NONRESID CO/05 788 OCA/88-07907 LIT/PC
 VIN/30269X108153 VYR/43 VXA/CHD VAD/CHD VST/80 VOU/SNO
 W465545112

06/23/88 10:15:36 - 06/23/88 10:15:36 4438NNP107RS
 WANTED PERSON TITLE PAGE 00
 RAC/B POR/NO 005/022554 SEX/M HAIR/BLK EYE/BRN FB7/44347J9 SKN/MED
 OLN/4669706 OLS/NC OLY/90
 ENT-W-NONRESID CO/05 788 OCA/88-07907 LIT/PC
 VIN/30269X108153 VYR/43 VXA/CHD VAD/CHD VST/80 VOU/SNO
 W465545112

PAGE 1 OF 1

06/28/88 10:16:00 - 06/28/88 10:16:00 4438NNP107RS
 WANTED PERSON TITLE PAGE 00
 RAC/B POR/NO 005/022554 SEX/M HAIR/BLK EYE/BRN FB7/44347J9 SKN/MED
 OLN/4669706 OLS/NC OLY/90
 ENT-W-NONRESID CO/05 788 OCA/88-07907 LIT/PC
 VIN/30269X108153 VYR/43 VXA/CHD VAD/CHD VST/80 VOU/SNO
 W465545112

WANTED PERSON
 RAC/B POR/NO 005/022554 SEX/M HAIR/BLK EYE/BRN FB7/44347J9 SKN/MED
 OLN/4669706 OLS/NC OLY/90
 ENT-W-NONRESID CO/05 788 OCA/88-07907 LIT/PC
 VIN/30269X108153 VYR/43 VXA/CHD VAD/CHD VST/80 VOU/SNO
 W465545112
 WANTED PERSON TITLE PAGE 00
 RAC/B POR/NO 005/022554 SEX/M HAIR/BLK EYE/BRN FB7/44347J9 SKN/MED
 OLN/4669706 OLS/NC OLY/90
 ENT-W-NONRESID CO/05 788 OCA/88-07907 LIT/PC
 VIN/30269X108153 VYR/43 VXA/CHD VAD/CHD VST/80 VOU/SNO
 W465545112

1. AGENCY: **Gastonia, P.D.** 2. ORI: **NC 03666000** 3. OCA NO.: **88-4068** 4. ARREST TRACT: **5.** PRINTS: **6.** ARREST NO.

7. NAME LAST: **Stungis** FIRST: **Sandy** MIDDLE: **Yvonne** 8. ALIAS/NICKNAME: **None** 9. DATE OF BIRTH: **02-10-61** 10. AGE: **26** 11. SEX: **M** 12. RACE/ETHN: **B IN**

13. ADDRESS: **325 W. Franklin Ave.** 14. PLACE OF BIRTH: **NY** 15. HEIGHT: **5'6"** 16. WEIGHT: **134** 17. HAIR: **Black** 18. EYES: **Brown**

19. SCAR/MARK/STAIN: **None** 20. SOCIAL SECURITY NUMBER: **242-21-3193** 21. OPERATOR LIC # & STATE: **5992701 NC** 22. MISC. # / TYPE: **None** 23. OCCUPATION: **Elec. Helper**

24. EMPLOYER/SCHOOL: **Raymond Supply** 25. ADDRESS: **300 21k. East Franklin Blvd.** 26. PHONE: **866-6000**

DATE OF ARREST: **2/26/88** 28. TIME: **00:05** 29. ON VIEW: **WARRANT** ORDER FOR ARREST: CRIMINAL SUMMONS: 30. PLACE OF ARREST: **3307 North Chester**

31. QUANTAL CHARGE: **134 E** 32. COUNTS: **1** 33. UCR CODE: **654-54A** 34. STATUTE: **2307 North Chester** 35. OFFENSE JURISDICTION: **2307 North Chester** 36. OFF. TRACT: **6/26/88**

37. 2ND/SUBSEQUENT CHARGE: **PER TO COUNT: BURR** 39. COUNTS: **1** 40. UCR CODE: **654-55** 41. STATUTE: **2307 N. CHESTER ST.** 42. OFFENSE JURISDICTION: **2307 N. CHESTER ST.** 43. OFF. TRACT: **6/26/88** 44. WARRANT DATE: **6/26/88**

45. VEHICLE INFO: **PER TO COUNT: BURR** 46. STATE: **NC** 47. MAKE: **W. M. Gibson** 48. COMPLAINTANT'S NAME: **W. M. Gibson / B.L. Adams / AT. Kennedy / S.E. Conley** 49. ADDRESS: **Gastonia, Polia**

50. DATE/TIME CONFINED: **2/26/88** 51. PLACE CONFINED: **County Jail** 52. COMMITTING MAGISTRATE: **Erickson** 53. TRIAL DATE: **6/29/88** 54. COURT OF: **Gastonia** 55. TYPE BOND: **Secured** 56. AMOUNT: **1000.00** 57. CITY: **Gastonia**

58. DATE/TIME RELEASED: **2/26/88** 59. 24 HR. CLOCK: **00:00** 60. RELEASED BY: **County Jail** 61. DISPOSITION: **RIGHT THUMB**

62. DISP. DATE: **2/26/88** 59. CT. DOCKET #: **60. COURT OF: 61. DISPOSITION:**

63. SENTENCE: **1000** 64. 6-26-88

65. NARRATIVE: **NOK Sister Vicki William 954 Sherman Bradley Rd.**

66. ARRESTING OFFICER/ID. # **45** 67. DATE/TIME SUBMITTED: **6/26/88 02:35** 24 HR. CLOCK: **D.H. Baker** 68. SUPERVISOR SIGNATURE: **D.H. Baker** 69. ARRESTEE SIGNATURE:

70. N IFR 208 **W.M. Gibson 2/23/88** ORIGINAL COPY **REV. 7/86**

71. 000050

Wesley Abernathy - 120 - 9th Ave SE
None

Nancy McDowell - 815 - 1st St SE
Ronnie Harris
Nebraska Harris

Worothy Camp - 819 -
John Camp
Duke Camp

Paul Burnett - 821 1st St SE
Damon Burnett
Thomas Burnett

Johnathan Camp
Teresa Carey

Mary Johnson 817 1st St SE
Natashia Johnson
Kenneth Johnson
Orlando Johnson

Karen King 829 1st St SE
Godwin King
Zakeya King

000052

Mary Wilfong 823 - 1st St SE
Reborah Wilfong
Eric Wilfong
Lynn Wilfong
Christopher Wilfong

Linda Hayes 827 - 1st St SE
Tommy Hayes
Ledaac Hayes
Kenshia Hayes

Blia Robinson 831 - 1st St SE
Christine
L. Maurice

Annie Turner 23 - 9th Ave SE
Johnny Connelly
Albert Turner

Charlene Straker
Corece
La Shanda
Ce Arra

Alice Nelson 104 - 9th Ave SE
Calvin
Carol
Ladiamond

Clarice Hannah 124 - 9th Ave SE
Marcus
Carey

000053

Kennie Goodson 122 9th Ave SE
Abdul Knox

Ronika Abernathy 118 - 9th Ave SE
Rodrigues Abernathy

Thomas McIlwain
910 - 9th Ave SE
Carise McIlwain

Lilly Ramon - 114 - 9th Ave SE
John
Vicki
Walter
Elizabeth

Jerom Gore

Emma Muel - 110 9th Ave SE
Johnny Muel
Lejuel Muel
Elizabeth Muel
Bridgette Muel
Kimberly Muel
Brian Muel

Bonnie Rice 108 - 9th Ave SE
Bridgette Rice
Donna Rice

000054

Bernice Abernathy - 106 9th Ave

Chinetta Abraham 102 - 9th Ave SE
~~John~~ Jacobs Abraham
Lo Ann Abraham

Loise Brier 100 - 9th Ave SE
Linda
Travis
Belley
Myron

Mamie James 30 - 9th Ave SE
Hubert James
Gregory James
William

Charles McKesson - 28 - 9th Ave SE
Irene
Chinita
Charles
Anthony
Tyron

Jean Nala - 26 - 9th Ave SE
Reginald
Tera

Sennie Smith - 830 - 1st St SE
Carolee
Alekechia
Annie Whitener
Clarence Whitener
Jodie Smith

000055

Tina McCombs
Annie McCombs
Frank McCombs
Wain

828 - 1st St SE

Thelma Linder
Rena
Kelvin
Thalmus

826 - 1st St SE

Mary Robinson
Terrace
Roderick
Wain

824 - 1st St SE

~~Wain~~
Bernard
Christopher
Todd
Tora

~~Wain~~ Bessie Mayfield
Tonya
Nedre
Pamela
Tony

820 1st St SE

Mattie Hammond
Melvin Hayes
Blenda
James

24 - 9th Ave SE 000056

Isabelle Higgins 103 - 9th Ave SE
Murvin
Jerome
Timothy

Ulysses Fuller 22 - 9th Ave SE
Loren Russell

Lettie Reville - 20 9th Ave SE
Melvin

Craig Wiltony - 18 - 9th Ave SE
O'Neal
Johnny

Karen Hale John - 16 - 9th Ave SE
Shundra
Charis

Kratta Smith - 14 9th Ave SE
William

Rebecca Oates - 12 - 9th Ave SE
Reginald

Charlotte Carey - 10 - 9th Ave SE
Tremain
Stephan

000058

Rose Lee Propst - 107 - 9th Ave SE
Betty
Roy
Shaguen

~~George~~ Bo

Georgia Crapening - 105 - 9th Ave SE
Wanda Malone
Kelvin Malone

Dr Thomas Sanderson Etc ad

Charles Samuel West, D.D. to the

Present at Diss Alm 10:30 AM

John Hill, 11:30 AM

Head Hill, 11:00 AM

Spent 11:25/AM

Present at 11:00 AM

Present Attorney Ed Clark

Dr. Thomas Sanderson Etc.

No took the Sealing Envelope Team

Dr Thomas Sanderson at 11:00 AM the

Curk to Labord SBI Subject for hours
Voluntarily Etc.

Jimmy Jones

12:00 PM

Rev. J. J. Jones

at 1:00 PM

Present at 1:00 PM

MKE/ OH. *ORI/ NC0180202#NAM/ GRIMES,WILLIE,JAMES.....RAC/ B#SEX/ B#*
DOB/ 082346#SOC/ 237761584#MNU/X FBI/#SID/
PUR/ C#OPR/ SOH#ATN/ INV.S.O.HUNT.....*

* * * MANDATORY FIELDS * * *
MKE, ORI, NAM, RAC, SEX, DOB, PUR, OPR AND ATN OR

MKE, ORI, NAM, RAC, SEX, DOB, SOC, PUR, OPR AND ATN OR
MKE, ORI, NAM, RAC, SEX, DOB, MNU, PUR, OPR AND ATN OR
MKE, ORI, NAM, SOC, PUR, OPR AND ATN OR
MKE, ORI, NAM, MNU, PUR, OPR AND ATN OR
MKE, ORI, NAM, FBI, PUR, OPR AND ATN OR
MKE, ORI, NAM, SID, PUR, OPR AND ATN

PURPOSE RAPP INVESTIGATION

HKA2-2975 OCT 27, 1987 10:13:35 [0NMH4M0X33FD] ROK
HKA2-1117 - PIN200 10/27/87 10:13:35 - 10/27/87 10:13:35 0NMH4M0X33FD
NO DCI WANTED PERSON RECORD
BASED ON NAM/GRIMES,WILLIE JAMES SEX/M RAC/B DOB/082346 SOC/237761584
HKA2-1118 - PIN201 10/27/87 10:14:02 - 10/27/87 10:13:36 0NMH4M0X33FD
NO DCI COH RECORD
BASED ON MKE/OH NAM/GRIMES,WILLIE JAMES RAC/B SEX/M DOB/082346
SOC/237761584 PUR/C OPR/SOH
ATN/INV S O HUNT

PAGE 1 OF 1

HKA2-1119 - NCIC1 10/27/87 10:14:10 - 10/27/87 10:13:37 0NMH4M0X33FD
1L010NMH4M0X33FD100
NC0180202
NO NCIC WANT SOC/237761584
NO NCIC WANT DOB/082346 NAM/GRIMES,WILLIE JAMES SEX/M RAC/B

PAGE 1 OF 1

HKA2-1120 - NCIC2 10/27/87 10:14:20 - 10/27/87 10:13:41 0NMH4M0X33FD
ML010NMH4M0X33FD027
NC0180202
NO IDENTIFIABLE RECORD IN THE NCIC INTERSTATE IDENTIFICATION INDEX
(III) FOR NAM/GRIMES,WILLIE JAMES,RAC/B,SEX/M,DOB/082346,SOC/237761584.

NOTICE -- THIS DOES NOT PRECLUDE THE POSSIBLE EXISTENCE OF MATCHING
RECORDS IN LOCAL, STATE, OR FBI IDENTIFICATION DIVISION FILES THAT ARE
NOT INDEXED IN THE NCIC III IF YOU DESIRE A SEARCH OF THE FBI
IDENTIFICATION DIVISION FILES, A FINGERPRINT CARD SHOULD BE SUBMITTED 000060
END

DA: 10-26-87

LS-7-R-EM-1000

Aimed Robbery
See Saw the
Knife

2187

Subject picked up at
County Jail of #150 ER
on 9/30/87 - At #150 ER
of 4950 hrs - At #150 ER

Answered 9:10 PM that evening -

2 RAPE'S
1st degree Burglary -

Fraud (Common Law Robbery)
Kidnapping -

11-17-87 -
Sedgwick

RAPE = 2 counts -
1st degree Burglary =
Common Law Robbery -
Kidnapping -

RAPE 1st
1st degree Burglary
Kidnapping

Oxford

ESSELTE

MADE IN U.S.A.

NO. 752 1/3

G/S
12/14/87
(304-5165)

Appendix E
Correspondence Regarding Inv. Hunt's File

E. X. DE TORRES
ATTORNEY AT LAW
102 N. MAIN AVE.
NEWTON, N. C. 28658

MAILING ADDRESS
P. O. BOX 168

DIAL 464-3117 OR
464-8930
AREA CODE 704

March 30, 1988

Mr. John C. Hennigar
Investigative Assistant
Catawba County District Atty.
Post Office Box 566
Newton, NC 28658

RE: Willie James Grimes
87 CrS 13540-43, 13544

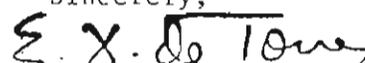
Dear Mr. Hennigar:

Last week I attempted to secure the additional discovery you did not have from Investigator S. O. Hunt, HPD, as you had suggested previously, concerning the second photographic identification to the prosecuting witness; the medical reports of treatment of the victim at the hospital; the results of the "rape kit" secretion, vaginal smears results, hairs, semen, saliva, etc. and any tests performed and results shown; any photographs of the scene or of the victim; and any fingerprints and any other physical evidence (and tests thereon) obtained at the crime scene (investigative report shows that evidence technician Jack Holsclaw processed all evidence at the scene and that evidence was found) I remind you that exculpatory evidence is to be also given to the defense.

Officer Hunt rudely informed me that he had nothing to speak to me about and if I needed any additional discovery, to get it from the District Attorney office.

Therefore, I am formally requesting the above mentioned information and discovery from you. I suppose it will be your responsibility to get this from the Hickory Police Dept. Please notify me when this will be available, as we cannot proceed to trial without this and seeing what further will be needed as a result of this discovery.

I will await your response.

Sincerely,

E.X. de Torres
Attorney at Law

EXD/dr

000222



General Court of Justice
Office of the District Attorney
Twenty-fifth Prosecutorial District

P. O. BOX 566
NEWTON, NORTH CAROLINA 28658-0566

April 4, 1988

ROBERT E. THOMAS
DISTRICT ATTORNEY

RE: Willie James Grimes
87 CrS 13540-43, 13544

Dear Mr. de Torres;

The office of the District Attorney records indicate that you requested discovery for your client on 11-20-87 and a letter advising you of the "open file policy" of this office was sent the same date. Since that time you have reviewed the office file on 1-15-88 and 2-10-88, obtaining copies of requested material from the file. The only Laboratory Report in our file is dated 12-7-87 (copy enclosed).

This office will allow you to review the office file and we will make you copies of material to which you are entitled. We can not furnish you material we do not have in our file. If Investigator S.O. Hunt, Hickory Police Department, has additional material, you may examine it when we receive it. If he has been rude, I suggest you take the matter up with his superiors.

Sincerely,

A handwritten signature in cursive script that reads "John C. Hennigar".

John C. Hennigar
Investigatorial Assistant

000223

Appendix F
Affidavits of Defense Alibi Witnesses

NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 87 CrS 13540, 13541, 13542, 13544

STATE OF NORTH CAROLINA)
)
 vs.)
)
 WILLIE JAMES GRIMES)
 Defendant)

A F F I D A V I T

The Affiant, Brenda Smith, after first being duly sworn, alleges and says as follows:

1. That the Affiant is a citizen and resident of Hickory, North Carolina and resides at 60 5th Street SE, Hickory, North Carolina with her three sons, ages 21, 13 and 9.

2. That she has known Willie James Grimes for a number of years.

3. That Willie James Grimes spent the night of October 23, 1987 at her house. That he slept on the twin bed, and that this is known to her and her three sons.

4. That the Affiant and Willie James Grimes left the Affiant's home in the early afternoon of October 24, 1987 and drove to the house of Elizabeth Finger, at RFD 1, Claremont, North Carolina, the Affiant's cousin. That Ervin Finger, husband of Elizabeth Finger was also present.

5. That the Affiant and Willie James Grimes remained there for several hours.

6. That later that afternoon she drove Willie James Grimes to check mail at the Post Office Box, and stopped at the Winn Dixie Store, where some seafood, crabmeat and a large pepsi-cola was purchased at approximately 4:14 p.m., by Willie Grimes, as evidenced by the attached receipt herein.

7. That all that afternoon and evening I did all the driving for myself and Willie Grimes, since he did not have an automobile.

8. That at approximately 8:30 p.m. on October 24, 1987 I drove Willie James Grimes to the house of Rachel Wilson at 115 9th Street, SE, Hickory, North Carolina.

9. That I then left Willie James Grimes at the house of Rachel Wilson and returned home to get ready to go to work at 11:00 p.m. that evening. That I also had to pick-up my work supervisor at 10:30 p.m.

10. That on October 24, 1987 Willie James Grimes was wearing brown pants.

11. That on October 24, 1987 Willie James Grimes was clean-shaven, as he had shaved earlier in the day.

000149

12. That at approximately 9:30 p.m. Willie James Grimes called me to pick him up. Taht I understood him to say he was at Richard Wilson's house rather than Rachel Wilson's house, and that I drove to Richard Wilson's house to pick him up, and upon not seeing him, returned home.

13. That I went to my employment that evening and worked until 7:00 a.m. on October 25, 1987.

14. That I picked up Willie James Grimes at approximately 7:30 a.m. in the Berlin Section, when I met William Robinson's car near Rachel Wilson's and that we then drove to Shelby, North Carolina to visit friends.

15. That when I picked up Willie James Grimes that morning he was still wearing the same clothes as the day before, and stated he had spent the night at Betty Shuford's home.

16. That I have talked with Rachel Wilson who stated to me that Willie James Grimes was constantly at her house until after 12:00 a.m. on October 24, 1987 except for the brief period of time around 9:00 p.m. when he went to Richard Wilson's house to pick-up some money.

17. That I have talked to Richard Wilson who stated to me that Willie James Grimes was at his house around 9:00 p.m. for a few minutes to pick-up some money and then returned to Rachel Wilson's house nearby.

18. That in the time I have known Willie James Grimes, in which he has often stayed at my house, he had never shown any violent behavior nor any disposition towards any violent crime.

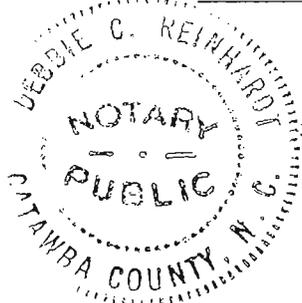
FURTHER THE AFFIANT SAYETH NOT

This the 18 day of March, 1988.

Brenda Smith (SEAL)
BRENDA SMITH

Sworn to and subscribed before me,
this 18 day of March, 1988.

Debbie C. Reinhardt
NOTARY PUBLIC
My Commission Expires: 10-9-1989



NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 87 CrS 13540, 13541, 13542, 13544

STATE OF NORTH CAROLINA)
)
 vs.)
)
 WILLIE JAMES GRIMES)
 Defendant)

A F F I D A V I T

The Affiant, Rachel Wilson, after first being sworn, alleges and says as follows:

1. That the Affiant is a citizen and resident of Hickory, North Carolina, and resides at 115 9th Street SE, Hickory, North Carolina.

2. That she knows Willie James Grimes.

3. That Willie James Grimes came to her home on October 24, 1987 at approximately 8:30 p.m. with Brenda Smith.

4. That that evening several other friends and relatives were over to the Affiant's home including among others the Affiant's sister, Carolyn ^{Shuford} ~~Wilson~~, Lib King, William Robertson, ~~and a man named Bob, who lives close to my home.~~

5. That I helped to cook some ^{Chittling} ~~seafood and crabmeat~~ that Willie James Grimes had brought with him to eat in my kitchen.

6. That Willie James Grimes was present in my home that evening continuously until approximately 12:20 a.m. that following morning when he left to go to Betty Shuford's house nearby, with the exception of a five to ten minute span of time when he left to go to my neighbor Richard Wilson's house to pick-up some money which occurred around 9:00 p.m. that evening.

7. That Willie James Grimes had no automobile that night but was brought to my house by Brenda Amith.

8. That I am no relation to Willie James Grimes.

9. That that evening Willie James Grimes was ~~clean shaven and wearing a purple jacket.~~ ^{Don't} ~~NO~~ ^{what he was wearing}

10. That at approximately 9:30 p.m. Willie James Grimes called Brenda Smith to pick him up again, but she did not arrive at my house to do so, so Willie James Grimes stayed at my house as stated above.

FURTHER THE AFFIANT SAYETH NOT

This the 3 day of 28, 1988.

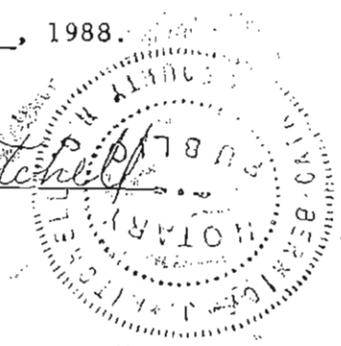
Rachel Wilson (SEAL)
RACHEL WILSON 000156

Sworn to and subscribed before me, this 28 day of March, 1988.

My Commission Expires:

March 13, 1993

Bernice J. Mitchell
NOTARY PUBLIC



NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 87 CrS 13540, 13541, 13542, 13544

STATE OF NORTH CAROLINA)
)
) A F F I D A V I T
)
vs.)
)
WILLIE JAMES GRIMES)
)
) D e f e n d a n t
)

The Affiant, Carolyn Shuford, after first being sworn, alleges and says as follows:

✓ 1. That the Affiant is a citizen and resident of Hickory, North Carolina and resides at 3020 12th Avenue, SE, Apt. 84W, Hickory, North Carolina.

✓ 2. That she has known Willie James Grimes for about ten (10) years.

✓ 3. That on October 24, 1987 the Affiant had gone to her sister, Rachel Wilson's home. That she had been there about an hour when Willie James Grimes arrived around 8:30 p.m.

✓ 4. That Willie James Grimes had been dropped off by Brenda Smith who drove him to Rachel Wilson's home.

✓ 5. That while at the home and around 9:00 p.m. Willie James Grimes stated in conversation that he was going to Richard Wilson's house nearby to see him about some money. That Willie James Grimes then left but returned after about five (5) minutes.

✓ 6. That other persons present that evening at her sister's home were Rachel Wilson, Affiant, Elizabeth (Lib) King who resides two doors down, William Robinson, Rachel's twin children and Willie James Grimes.

✓ 7. That the Affiant left her sister's home at around 9:30 p.m. and stopped at her mother, Lucy Shuford's house on the way back home.

✓ 8. That her mother was talking to Willie James Grimes on the telephone when she arrived. That her mother finished her conversation with Willie James Grimes shortly thereafter. That about ten (10) minutes later Willie James Grimes called back and talked with the Affiant and her mother for sometime, and that these calls were received prior to 10:00 p.m.

✓ 9. That Affiant, in the years she has known Willie James Grimes, has never seen him exhibit any violent behavior, nor any disposition towards any violent crime, nor is she aware of any reputation for violence or violent crimes for Willie James Grimes.

10. ✓ That Affiant is no relation to Willie James Grimes.

FURTHER THE AFFIANT SAYETH NOT

This, the 15 day of Feb., 1988.

Carolyn Shuford (SEAL)
CAROLYN SHUFORD

Sworn to and subscribed before me,
this 15 day of Feb, 1988.

William B. Couch, Jr.
NOTARY PUBLIC
My Commission Expires: 1-31-93

NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 87 CrS 13540, 13541, 13542, 13544

STATE OF NORTH CAROLINA)
)
 vs.)
)
 WILLIE JAMES GRIMES)
 Defendant)

A F F I D A V I T

The Affiant, William Robinson, after first being sworn, alleges and says as follows:

1. That the Affiant is a citizen and resident of Hickory, North Carolina and resides at 708 F Avenue, SE, Hickory, North Carolina.

2. That he has known Willie James Grimes for about five (5) years.

3. That on October 24, 1987 he arrived at the home of Rachel Wilson shortly before 9:00 p.m.

4. That when he arrived he saw Willie James Grimes already there, along with Rachel Wilson and Rachel's twin children.

5. That he had come to Rachel Wilson's home to borrow a pot to boil some ham in, and intended to be back home by 9:30 p.m. to watch the T.V. show "Amen".

6. That he talked with Willie James Grimes, and had some liquor. That Willie James Grimes asked him for a ride back to Brenda Smith's house, who lives about two blocks from Affiant.

7. That at twenty minutes after 9:00 p.m. the Affiant wanted to leave, but Willie James Grimes was not ready to go, so the Affiant went home by himself. That upon arriving home ten minutes later, Affiant put the ham in the pot to boil and returned back to Rachel Wilson's home, forgetting about watching the T.V. program.

8. That when he returned back to Rachel Wilson's home, before 10:00 p.m., Willie James Grimes was still there. That in addition Elizabeth King was also present.

9. That Affiant stayed at Rachel Wilson's home until ten minutes to 12:00 Midnight, and that during the time he was there, Willie James Grimes was also there.

10. That while at Rachel Wilson's home, he and Willie James Grimes called to Rachel Wilson's mother's house, Lucy Shuford, and both talked with her and asked for the whereabouts of Alan Shuford, son of Lucy Shuford, and a friend of theirs. That Willie James Grimes was with the Affiant at all times while at Rachels Wilson's home.

000171

11. That Affiant returned back to Rachel Wilson's home the next morning by 8:30 a.m., October 25, 1987, and saw Willie Grimes again there. That Willie James Grimes asked him for a ride, and they started to drive off in Affiant's automobile, but met Brenda Smith in her car on the roadway nearby, and Affiant let Willie James Grimes off to ride with Brenda Smith.

12. That Affiant, in the years that he has known Willie James Grimes, has never seen him exhibit any violent behavior, nor any disposition towards any violent crime, nor is he aware of any reputation for violence or violent crimes for Willie James Grimes.

13. That Affiant is no relation to Willie James Grimes.

FURTHER THE AFFIANT SAYETH NOT

This the 6 day of February, 1988.

William Robinson (SEAL)
WILLIAM ROBINSON

Sworn to and subscribed before me,
this 6 day of February, 1988.

Robert A. Mitchell
NOTARY PUBLIC

My Commission Expires: March 19, 1990

AVILA COUNTY

NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 87 CrS 13540, 13541, 13542, 13544

STATE OF NORTH CAROLINA)
)
 vs.)
)
 WILLIE JAMES GRIMES)
 Defendant)

A F F I D A V I T

The Affiant, Richard Wilson, after first being sworn, alleges and says as follows:

1. That the Affiant is a citizen and resident of Hickory, North Carolina, and resides at 136 9th Street, SE, Hickory, North Carolina.
2. That he knows Willie James Grimes.
3. That on October 24, 1987 the Affiant saw Willie James Grimes at approximately 9:00 p.m. or 9:05 p.m. in the evening when Willie James Grimes came to his house on foot to pick-up some money from the Affiant.
4. That Affiant lives three doors up from the house of Rachel Wilson.
5. That Willie James Grimes stayed at his house for a few minutes that night and then stated that he was returning to Rachel Wilson's house.

FURTHER THE AFFIANT SAYETH NOT

This the 15th day of Feb, 1988.

Richard Wilson (SEAL)
RICHARD WILSON

Sworn to and subscribed before me,
 on the 15th day of Feb, 1988.
George A. Clemons Jr.
 NOTARY PUBLIC
 My Commission Expires: August 26, 1990

NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 87 CrS 13540, 13541, 13542, 13544

STATE OF NORTH CAROLINA)
)
 vs.)
)
WILLIE JAMES GRIMES)
 Defendant)

A F F I D A V I T

The Affiant, Betty Shuford, after first being sworn, alleges and says as follows:

1. That the Affiant is a citizen and resident of Hickory, North Carolina and resides at 871 3rd Avenue, SE, Hickory, North Carolina.

2. That she has known Willie James Grimes for about six (6) years.

3. That on the night of October 24, 1987 she had gone to church at Davis Chapel Church and had returned home at about 11:00 p.m. That upon returning home, she called her sister, Rachel Wilson. That William Robinson answered the phone, and that she then talked to him and to Willie James Grimes for about 45 minutes.

4. That Willie James Grimes told her that he was coming over to her house, and that Affiant told him not to come over. That nonetheless, Willie James Grimes came over to her house about ten minutes later, sometime after 12:00 Midnight.

5. That Willie James Grimes talked with her and her children, ages 5 and 9, and asked Affiant if he could spend the night at her house.

6. That Affiant told Willie James Grimes that he could sleep in the chair in the living room, and went to bed with the children at about 1:00 p.m. on the morning of October 25, 1987.

7. That the Affiant's alarm clock went off at 5:00 a.m. and Affiant got up. That Willie James Grimes was still in the living room chair, and awoke and talked with Affiant until about 7:00 a.m. when he told the Affiant he was leaving and left.

8. That the Affiant did not hear Willie James Grimes leave her house during those early morning hours nor does she have any reasons to suspect he did not stay at her home between 1:00 a.m. and 5:00 a.m. That Affiant believes Willie James Grimes spent the night at her home.

9. That Affiant, in the years she has known Willie James Grimes, has never seen him exhibit any violent behavior, nor any disposition towards any violent crime, nor is she aware of any reputation for violence or violent crimes for Willie James Grimes.

000186

10. That Affiant is no relation to Willie James Grimes.

FURTHER THE AFFIANT SAYETH NOT

This the 28 day of March, 1988.

Betty Shuford (SEAL)
BETTY SHUFORD

Sworn to and subscribed before me,
this 28 day of March, 1988.

Bernice J. Mitchell
NOTARY PUBLIC

My Commission Expires: March 13, 1993



Appendix G
Motion and Correspondence Regarding
Scientific Testing

NORTH CAROLINA
CATAWBA COUNTY

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO. 87 CrS 13540-44

STATE OF NORTH CAROLINA)
vs.)
WILLIE JAMES GRIMES)
Defendant)

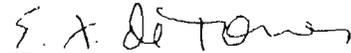
**MOTION FOR INDEPENDENT TESTING
OF PHYSICAL EVIDENCE**

NOW COMES the Defendant, Willie James Grimes, through his counsel of record, E.X. de Torres and respectfully moves the Court pursuant to N.C.G.S. 15A-903(e) to be allowed to examine and test the physical evidence set out below in the possession of the State and to require the State of North Carolina or the appropriate subdivision of North Carolina to provide the Defendant's counsel with adequate funds with which to hire the necessary forensic expert or laboratory to conduct such testing to aid Defendant's counsel in the preparation of his defense, and to have such private forensic expert available to testify at the Defendant's trial, and in support of this motion, the Defendant alleges and says:

1. That the Defendant is an indigent person, as previously determined by the Court, and has been incarcerated in the Catawba County Jail, Newton, North Carolina pending trial since October 28, 1987.
2. That the Defendant is charged with two counts of first degree rape, first degree kidnapping and first degree burglary, with a possible maximum sentence of mandatory life imprisonment if convicted.
3. The Defendant's counsel has just received on April 5, 1988 a copy of an SBI Laboratory Report, copy of which is herein attached, which reveals that the State has in its possession the following physical evidence:
 - a.) Hair samples from the crime scene
 - b.) Pubic hair samples of victim
 - c.) Head hair samples of victim
 - d.) Pubic hair combings of victim
 - e.) Hair from nightgown and robe of victim
4. That the State has failed to test these samples in any way, as revealed in such a report.
5. That a hair analysis of these samples along with known pubic and head hair samples of the Defendant should be done and is desired by the Defendant, and that the Defendant believes that this would be vital exculpatory evidence and necessary to the fair presentation of the Defendant's defense and a direct bearing on the issue of the innocence of the Defendant.
6. That the hiring of a private forensic expert to perform the testing and to testify at the Defendant's trial will be crucial to the Defendant's defense.

WHEREFORE, Defendant prays the Court that it grant it's motion to allow the independent testing of the exculpatory evidence in the possession of the State and to provide the necessary funds to the Defendant's counsel or the private forensic expert to allow such testing to be performed and to allow such an expert to be able to testify at the trial of the Defendant. The granting of this motion is required by the due process, equal protection, jury trial, right to counsel and representation and compulsory process guarrantees of the North Carolina Constitution, Article I, Section 19 and the U.S. Constitution, Amendments Six and Fourteen, and by the General concepts of fairness and justice due to the Defendant.

This the 6 day of April, 1988.



E.X. de Torres
Attorney for Defendant
Post Office Box 168
Newton, NC 28658
(704) 464-3117

CERTIFICATE OF SERVICE

I, E.X.de Torres, Attorney for the Defendant in the above-entitled action, hereby certify that on the 6 day of April, 1988, I served the above **MOTION FOR INDEPENDENT TESTING OF PHYSICAL EVIDENCE** upon the Plaintiff my mailing a true copy of the same by placing same in the U.S. Mail, postage prepaid to:

Mr. Robert E. Thomas
District Attorney
Post Office Box 566
Newton, NC 28658

This the 6 day of April, 1988.



E.X. de Torres
Attorney at Law

000018

E. X. DE TORRES
ATTORNEY AT LAW
102 N. MAIN AVE.
NEWTON, N. C. 28658

MAILING ADDRESS
P. O. BOX 168

DIAL 464.3117 OR
464-8930
AREA CODE 704

May 20, 1988

Mr. William Johnson
Catawba County
District Attorney Office
P.O. Box 566
Newton, NC 28658

RE: Willie Grimes

Dear Bill:

It's been a couple of weeks and I haven't heard anything more on the hair sample testing for Willie Grimes. Since I fully expect to try this case on July 5th, you need to arrange for this as soon as possible so the SBI can finish the hair comparison on time.

Additionally, I would also suggest that the samples undergo DNA typing as well. If the SBI can do this, it will give an almost sure identification (1 in 30 billion) to a specific person. If they cannot do this, it can be done for under \$250.00 by private labs such as Cellmark Diagnostics of Germantown, MD or Life Codes Corp. of Valhalla, NY. DNA typing is a great deal more accurate than traditional hair tests, as it compares the actual genetic codes within the hair cells, with it's identifying and individually unique characteristics. This will yield irrefutable evidence one way or the other.

I know you're involved in the Tucker murder case at present, but maybe Greg, Jay or someone else at the office can get on this right away. I enclose part of an article on DNA typing for your reference.

I await hearing from you.

Sincerely,



E.X. de Torres
Attorney at Law

EXD/dr
Enclosure

000224



General Court of Justice
Office of the District Attorney
Twenty-fifth Prosecutorial District
P. O. BOX 566
NEWTON, NORTH CAROLINA 28658-0566

June 28, 1988

ROBERT E. THOMAS
DISTRICT ATTORNEY

E. X. de Torres
Attorney at Law
Post Office Box 168
Newton, NC 28658

RE: State of North Carolina Vs. Willie Grimes
File No. 87CRS013540-13542/87CRS013544

Dear Mr. de Torres:

This is to advise you that on this date we were advised telephonically by Troy Hamlin of the North Carolina State Bureau of Investigation Lab that he had examined and compared hair samples taken from Mr. Grimes and those found at the crime scene. Mr. Hamlin advised that one of the hairs found at the crime scene matched with those samples from Mr. Grimes.

A written report should follow shortly. If you have any questions, please contact me.

Sincerely,

William L. Johnson, Jr.
William L. Johnson, Jr.
Assistant District Attorney

WLJ:mjf

cc: Clerk of Court
File

000198

Appendix H
Media Coverage

Hickory Man Charged With 1st-Degree Rape

A Hickory man was arrested Tuesday afternoon and charged in the alleged rape of a 69-year-old woman in her southwest Hickory apartment Saturday.

Willie James Grimes, 41, of Sixty-fifth Street, SE, was arrested by Investigator S.O. Hunt and charged with two counts of first-degree rape and one count each of first-degree kidnapping, first-degree burglary and common law robbery.

Grimes reportedly entered the victim's apartment when she responded to a knock at the door, thinking that it was her neighbor,

Hunt said.

The woman was seriously injured in the attack, suffering bruises and requiring stitches, police said.

Grimes was placed in the Catawba County Jail under \$25,000 secured bond pending his first appearance in 25th District Court today.

Suspect Sought In Reported Rape

The Hickory Police Department is investigating a rape that occurred Saturday.

A 69-year-old Hickory woman was raped in her southwest Hickory apartment. The suspect, who is believed to be in his mid-30's, also stole several items from the home.

000241

Tips Will Aid Fight By Police

By SARAH HELTON
Record Staff Writer

Crime doesn't pay — or so the saying goes.

And although some would disagree with that old adage, one local group wants citizens to know that helping arrest perpetrators of crimes can, and will, pay.

John Vickers, an officer with Hickory Police Department who heads up the Hickory-Catawba County Mayors Crimestoppers program, said he would like to get that message out to the people.

"There are crimes we have been unable to solve and we will pay money for information to help solve them," Vickers said.

Those providing information on crimes can be assured of anonymity.

See Tips, Page 18A



Record Photo By Robert Reed

Crimestoppers Program Is Helping Put Criminals Behind Bars

1
2
3
4
5
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10
11
12

Tips Assist Officers In Fighting

• From Page 1A

Vickers emphasized.

Police do not even ask for a name, Vickers explained, asking a caller if gives a number that can be used to pick up the reward at a local bank, and at no time will the confidential source have to reveal their identities.

"We never call them, they always call us," Vickers stressed.

"We would never ask for a name, and we won't ask them where they live," he added.

"Some people think if they give us information they will have to go to court and testify. But no court appearance is necessary.

"Sometimes they feel the suspect will find out," Vickers said. He explained confidentiality is an important aspect of the Crimestoppers program.

Information is welcomed on any crime, whether it is listed with Crimestoppers or not.

Hickory Police Department made arrests in at least two major crimes recently with the help of confidential sources who were paid as much as \$1,000. Both tips came through anonymous telephone calls.

On Oct. 26, a confidential source telephone HPD and provided information that led to an arrest, and subsequently conviction, in the rape of an elderly woman.

The source gave police information that led to charges of first-degree rape, first-degree kidnapping and first-degree burglary. The confidential source had heard the description of the person being sought, and called HPD and directed them to the Willie Orimes. He recently was sentenced to life in prison for rape, plus nine years for kidnapping.

The confidential source was paid \$1,000 for the tip.

In another case, a caller gave Hickory police information that led to another person who direct authorities

to a man reportedly holding the children of a former girlfriend at a Bar's County motel.

The man allegedly kidnaped the two children from a day care center, hoping to lure his former girlfriend out of hiding. Charges have been filed in the incident, but the case has not yet gone to trial. However, the confidential source was paid \$200.

Vickers suggested that anyone with information about any crime "call the agency or department that is investigating the crime, and tell them they want to provide the information.

for Crimestoppers."

"As long as the information leads to an arrest, the reward is paid. There does not have to be a conviction," Vickers said.

"The more serious the crime, the greater the amount of the reward."

Vickers said when information is called in and an arrest is made, the board of directors for Crimestoppers is contacted and a reward amount is decided.

"We call up the board and say, 'Number 73 gave us information that led to an arrest in a robbery.' Then,

the board decides on the amount reward.

"The amount ranges from \$500 for non-capital crimes, said. "It goes up as high as \$10,000."

He said the confidential source asked to call back "in a few days a number is assigned and the details are made for the confidential source to pick up the reward at a bank.

Bank officials then are notified the person's description and the person being sought to pick up the

Crime

2 The transaction is made at the bank, with the confidential source never having to reveal his or her identity.

Vickers said the money paid out "is all local money."

The Hickory-Catawba County Mayors Crime Stoppers program was set up here in the early 1980's, and includes all law enforcement agencies in Catawba County.

"We welcome contributions from organizations, clubs or individuals, and information that will help us solve some of these crimes," Vickers said.

Appendix I
**Attorney de Torres Notes from Probable
Cause Hearing**

Hickory
11-17-87
2:37 PM

WILLIE JAMES GRIMER
PROB: CAUSE HEARING

VICTIM: CARRIE LEE ELLIOTT : ABOUT 5 FT WHITE
WEIGHT 90 LBS - OLD - GLASSES - WHITE

- address

104 8th Ave DA SE

TIME - 9 or after

SITTING ON COUCH -

GET CLOTHES OUT

HEARD KNOCK

HAD STORM DOOR LATCHED

THOUGHT NEXT DOOR NEIGHBOR

CRACKED DOOR -

PUSHED - DOOR IN

SCREAMED - D WENT ON IN

DID NOT CONSENT

HESITATION IN IDENTIFICATION (CRIED)

IS THE DEFENDANT?

"THAT LOOKS LIKE HIM"

KNOCKED DOWN ON COUCH

TORE CLOTHES OFF

"I'M GOING TO STAY A NIGHT"

HAD A KNIFE - TOLD ME I HAD A GUN

BUT DIDN'T SEE ANY

WOUNDS

FINALLY GOT UP - LET'S GO IN

BEDROOM - SAW MAN IN BEDROOM,

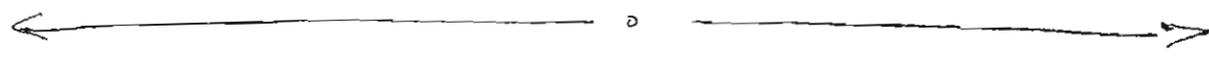
WENT BACK AGAIN -

had to take blood
pressure medicine at
9 o'clock - had
just taken it.
Eleanor Elliott
at the time

000144

PRAYED - and load →
 WANTED TO TRY SOMETHING TO EAT
 TOOK FRUIT →
 BEFORE HE LEFT -
 TOOK EVERYTHING OUT OF
 BILL FOLD -
 TOOK \$21.00 OUT OF
 BILL FOLD →

TOOK HER BY FORCE INTO BEDROOM →



= Hour & 1/2

CRAWLED TO BACK DOOR
 LOCKED IT

CAUSED SON - BOBBY RAY ELLIOTT
 LIVES HOME IN HICKORY.

ONE POLICE
 POLICE WOMEN, ETC

⇒ CATAWBA MEMORIAL HOSPITAL
 NOT REMAIN OVERNIGHT
DOCTOR →

→ TALKED TO POLICE →
DESCRIPTION - HAD BLACK - *marks good size - near tail or upper part - not on his neck weigh that ~*
 needed shave - bump on his face - **000145**
 u. d. about ...

- no tattoos / scars noticed →

Photograph - Sgt ^{Bryant} by himself. 2/3 nights after.

- 6 photographs -

Separate person in each or use
photos → all black individual →

Indicate families to you ⇒
"That look just like him" ⇒

at sister's - law
Wesley Deal
lives in Claremont.
Her Husband →
Chester Deal

Widow - H died Thanksgiving →

Spent pile yellow house coat - jacked loose :-

I went go to look at them →

had them in a folder - showing them
all at one time →

- showed none that night -
Several →

where was individual -
was lived down below - saw
him going down there.
apt empty - Individual was
moved - Entered her - a good bit
ago →

Door closed - full glass door
door.
- not locked - had cracked it →
- second floor apt.

not stayed at home. ⇨⇨

not identified by name.

- Thought it was Willie ~~manor~~? - Black person
could not tell → who it was
↓
bulged
under door

- Lived there 2 years →
knew about 6 inches
told her he had a gun.

- Tore in the vagina → Emergency room
cat memorial. ⇨

told hi — get back
teach the front — went out the
back door —
"Been watching you — I don't
want a young woman". —

~~also come~~
← Anderson / wife — Jeffrey Elliott 20' 1"
Robin Elliott
live in Michigan N.C.

Taken by police or van to the Hospital →

— told daughter in law — about the
incident. ⇒

Judge Tate: 3:15 PM

In each of the cases —
friday or probable cause —
hand over for trial to Sup. Ct.

Appendix J
Trial Transcripts

1 STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

2 COUNTY OF CATAWBA

SUPERIOR COURT DIVISION

3

In/Re: 27 CrS 13540; 13541;
13542; 13544

4

5 STATE OF NORTH CAROLINA)

6 vs)

TRIAL TRANSCRIPT

7 Willie James Grimes,)

8 Defendant)

9

Newton, North Carolina

10

July 5, 6, 7 & 8, 1988

11

12 Before: Honorable Kenneth A. Griffin, and a jury

13 Appearances: Honorable William L. Johnson, Jr and J. C. Meyers,

14 Assistant District Attorneys, 25th Judicial District,

15 Newton, NC for the State

16 E. X. DeTorres, Attorney at Law, Newton, NC,

17 for the defendant

18

19 Ronald T. Lancaster
20 Senior Official Reporter
21 Superior Court
22 25th Judicial District
23 Hickory, NC

22

23

24

25

I N D E X

1	Motions	Page 3			
2	Opening to the jury	Page 4			
3	Juror dismissed	Page 8			
4	WITNESSES FOR THE STATE:	Direct	Cross	Re-Direct	Re-Cross
5	Carrie Lee Elliott (trial)	15			
6	Carrie Lee Elliott (voir dire)	25	30		
7	Order on voir dire	Page 40			
8	Carrie Lee Elliott (trial)	46	48	53	
9	Gary A. Lee	53	57		
10	S. R. Moore	58	61		
11	J. L. Blackburn	64	67		
12	Steve Bryant	68	71	74	75
13	Jack Holsclaw	75	83	91	
14	J. L. Blackburn	92	93		
15	S. O. Hunt	95	99		
16	Dr Bert Crane	108			
17	Stipulation:	Page 113			
18	Troy Hamlin	113	123	132	
19	Tender evidence	Page 133			
20	State rest	Page 136			
21	Motions	Page 136			
22	WITNESSES FOR DEPENDANT:				
23	Brenda Smith	138	151	156	
24	Rachel Wilson	157	163	172	174
25	Carolyn Shuford	175	179		

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13	Jack Holsclaw	75	83	91	
14	J. L. Blackburn	92	93		
15	S. O. Hunt	95	99		
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17	Stipulation	Page 113			
18	Troy Hamlin	113	123	132	
19	Tender evidence	Page 133			
20	State rest	Page 136			
21	Motions	Page 136			
22	WITNESSES FOR DEFENDANT:				
23	Brenda Smith	138	151	156	
24	Rachel Wilson	157	163	172	174
25	Carolyn Shuford	175	179		

	Direct	Cross	Re-Direct	Re-Cross
1 Lib King	183	187		
2 Lucille Shuford	189	191	191	
3 Richard Wilson	192	194	202	203
4 William Robinson	203	211		
5 Betty Shuford	216	223		
6 Elizabeth Finger	226	229		
7 Alvista Vinson	230			
8 Sammie Lou Vinson	232	233		
9 Robert Vinson	234			
10 Willie James Grimes	235	254	266	268
11 Defendant rest	Page 269			
12 REUBBTAL FOR STATE	Page 269			
13 S. O. Hunt	269			
14 State rest on rebuttal	Page 270			
15 Motions	Page 270			
16 Charge conference	Page 271			
17 Verdicts	Page 276			
18				
19				
20				
21				
22				
23				
24				
25				

	Direct	Cross	Re-Direct	Re-Cross
1 Lib King	183	187		
2 Lucille Shuford	189	191	191	
3 Richard Wilson	192	194	202	203
4 William Robinson	203	211		
5 Betty Shuford	216	223		
6 Elizabeth Finger	226	229		
7 Alvista Vinson	230			
8 Sammie Lou Vinson	232	233		
9 Robert Vinson	234			
10 Willie James Grimes	235	254	266	268
11 Defendant rest Page	269			
12 REUBBTAL FOR STATE Page	269			
13 S. O. Hunt	269			
14 State rest on rebuttal Page	270			
15 Motions Page	270			
16 Charge conference Page	271			
17 Verdicts Page	276			
18				
19				
20				
21				
22				
23				
24				
25				

1 July 5, 1988: Afternoon Session of the Court:

2 (The jury panel for the week is present in open
3 court at this time.)

4 REPORTER'S NOTE: The following was entered in the
5 record at the direction and order of the court, out of the
6 hearing of the jury: The state made a motion to consolidate
7 and join all the cases and counts for trial and there was no
8 objection from the defendant's attorney. The defendant's attorney
9 move that the state be required to try the defendant only upon
10 one count of rape and that the two counts of rape be joined
11 as only one count and charge. The court granted the court granted
12 the state's motion to join all cases and counts and charges for
13 trial and reserved ruling on the defendant's motion at this
14 time.

15 COURT: What does the state call?

16 MR. JOHNSON: We call the State against Willie James
17 Grimes and we move to join the cases for trial as they all arose
18 out of the same set of facts and at the same instance. The State
19 is ready for trial.

20 COURT: You care to be heard further?

21 MR. DETORRES: No, we have no objection to the joinder.

22 COURT: Let the cases be joined for trial. Call twelve
23 jurors to the jury box ma'am clerk.

24 (The Clerk at this time called twelve jurors into the
25 jury box.)

1 COURT: I ask the jurors in the audience to come up as far
2 as you can to the front of the courtroom and have a seat so that
3 you may hear my comments to the jurors in the jury box. Now
4 addressing myself to the prospective jurors in the box as well
5 as to the ones in the audience section of the courtroom, we are
6 about to commence with what is known as the voir dire selection
7 of the jury for this case or these cases. These words, voir dire,
8 comes to us out of the past and they mean to speak frankly and
9 this is the time for you to do just that, to speak frankly. You
10 in the box and those of you in the courtroom....at this time
11 I want you in the box to make responses to the questions as put
12 by myself and by the attorneys as you are examined in the jury
13 selection process and let me ask this of you in the audience,
14 do not try to answer from where you are now but pay attention
15 to these questions that are asked by myself and by Mr. Johnson
16 and Mr DeTorres of the jurors in the box so if you come to be
17 in the box you can immediately address yourself to the attorneys
18 or myself as to any question that you may desire to respond to and
19 we do not have to go over the questions a number of times and
20 over certain things a number of time in that manner. So starting
21 with Mr. Icard, the jury in the box, please stand and give us
22 your name and where you live and what you do for a living and
23 that general information about yourself. (Each of the jurors in
24 the box did this at this time.) Now, members of the jury or
25 I should say prospective jurors, you will be called upon if selected

1 in these cases to try four separate cases together. In this
2 matter the State of North Carolina has accused Mr WillieJames
3 Grimes....hold up your hand Mr. Grimes. (The defenant held up
4 his hand at the defense table) Mr Grimes is accused by the State
5 of the following things: First the State has accused Mr. Grimes
6 that on or about the 2nd of October....no, that is the 24th of
7 October 1987, that he committed first degree burglary by entering
8 the home of Carrie Elliott on 8th Avenue here in Hickory while
9 it was occupied by Mrs Elliott, with the intent to commit a felony
10 therein, namely, first degree rape. The State has further accused
11 Mr Grimes of on or about the 24th of October 1987, that he did
12 wilfully and feloniously kidnap Carrie Lee Elliott by unlawfully
13 restraining her for the purpose of facilitating a felony, first
14 degree rape. The third allegation against Mr. Grimes by the State
15 is that on or about the 24th of October 1970, that he did willfully
16 and felony ravish and carnally know Carrie Lee Elliott by force
17 and against her will and the 4th charge is one that that the State
18 has charged Mr Grimes with a second charge of first degree rape
19 and to each and everyone of these charges, Mr Grimes thru his
20 attorney, Mr. DeTorres, who is raising his hand at this time, has
21 entered pleas of not guilty and thus under the Constitution of
22 the United States and as well as the Constitution of North Carolina
23 Mr Grimes appears before you presumed to be innocent of all
24 charges unless and until the State of North Carlina Proves to you
25 or the ones elected to try these matters of his guilty beyond
a reasonable doubt of each and every element of the crime or crime

1 to which he stands accused. I have already identified the
2 defendant in the case and his attorney. I will now identify for
3 you Mr. Bill Johnson, an Assistant District Attorney for the
4 25th Judicial District who will be prosecuting the case and he
5 will be assisted by Assistant District Attorney Mr. Jay Meyers.
6 In in these matters, the person that the state says is the
7 victim of these crimes is Carrie Lee Elliott. Is she here?

8 MR. JOHNSON: Stand up Mrs Elliott. (lady standing
9 in the courtroom)

10 COURT: Come forward so that you can be seen better
11 please. (A lady came within the bar of the court.) Just have
12 a seat there please. The purpose of the voir dire examination
13 of the jury is to determine your fitness and competency to serve
14 on these cases and I am going to ask you a few questions and then
15 the attorneys will have the opportunity to ask questions of
16 you and as I said ; this is the time for you to be perfectly
17 honest and frank in your answers . If the question asked does
18 not contain enough information for you to give a complete answer,
19 do not hesitate to ask for further explanation so you may be
20 able to properly answer any question. I will further remain you
21 that there is no burden of proof on the defendant in these cases
22 or any of them, because of his pleas of not guilty to each charge.
23 If the state should prove guilty beyond a reasonable doubt on
24 any one or more of these cases that you will be trying, it would
25 be your duty to return a verdict of guilty. However, on the other

1 if the state fails to prove the guilt of the defendant on any or
2 all of these charges, then you would have the duty to find him
3 not guilty. Do each of you understand that basic principle of
4 the constitutional right and law as to each defendant? Do each
5 of you feel that you can abide by that right and law as to each
6 of the charges here that we are trying today against Mr Grimes?
7 Do any of you know of any reason why you would be prejudice or
8 bias to serve on these cases? If you do raise your hands? It
9 is not the intention of the court nor of Mr. Johnson for the
10 state nor Mr DeTorres for the defenant to embarass you in anyway
11 or to pry into your personal lives but simply this is the only
12 method that we have available for making a decision as to your
13 being a fair and impartial juror for the state and for the defednan
14 in these matters. The jury is tendered to the state for voir dire.

15 (Jury selection commenced at this time)

16 COURT: Now members of the jury, we are going to take
17 a recess for the evening at this time. Those of you who have been
18 in the box and been excused need not return in the morning however
19 the balance of you who have not been in the box please return
20 in the morning to the front portion of the courtroom here and
21 during the recess and I am addressing myself to you who have been
22 approved by the state and by the defendant, you as well as the
23 other prospective jurors, I instruct you that you are not to discuss
24 these matters with anyone at all and not even among yourself. You
25 are not to talk to anyone about this and you are not to allow

1 anyone to talk to you about these matters now or at any time
2 in your presence. If anyone attempts to discuss it with you,
3 let me know about that and try to get that persons name sothat
4 appropriate action may be taken by reporting that to the bailiff
5 and he will inform me of that. Do not form any opinion about
6 the cases. Do not do any type of detective work. You are not
7 detectives and you are not to go to the scene of this incident
8 and you are only the fact finders and not investigators . You
9 are only to decide these matters on the testimony and evidence
10 presented to you here in the courtroom where the witnesses are
11 sworn and are subject to cross examination. Do not read, listen
12 to nor watch any news media account of this matter if there
13 should be any about this trial. Have a good evening and we will
14 see you in the morning at 9:30.

15 (The jury left and the court recessed at 5:05 p.m.

16 July 6, 1988: Morning session of the court:

17 (The jury is present in open court.) (The jurors
18 that were selected and passed upon by both sides are in the jury
19 box.)

20 COURT: Mr. Shuford, step into the jury room please sir
21 and Mr DeTorres, we will need you and the district attorneyes and
22 the court reporter in there also. (At this time one of the jurors
23 in the jury box, Mr. Shuford, went in to the jury room. The court,
24 the attorney for the defendant, the two district attorneys, and
25 reporter then went into the jury room. The following transpired
in the jury room:

1 COURT: For the record, we are, of course, in the
2 library room....I mean the jury room. The defendant's counsel
3 is present and the state prosecutors are present and I am
4 addressing myself to Mr. Shuford....what is your first name?

5 JUROR: Robert.

6 COURT: Mr Robert Shuford. I understand from my clerk
7 that you told here that you recalled something about one of the
8 questions placed to you during the overnight recess, is that
9 correct?

10 JUROR: Well, in a way. I have no qualm about what
11 I told on the stand....I mean in the jury yesterday but after
12 I got home yesterday evening....you want me to start from the
13 beginning?

14 COURT: Yes sir.

15 JUROR: Well, the first place they took my mother to
16 Winston Salem at Forsyth Hospital yesterday. She had a stroke.
17 My sister, the one that lives in East Hickory, was over there
18 and this guy that I didn't know was there. Now this guy has been
19 to my house....

20 COURT: By this guy, do you mean the defendant, Mr
21 Grimes?

22 JUROR: Yes, that is right but they called him Willie.
23 At the time that my sister told me that she had tried to get me
24 all day yesterday and I told her that I was on jury duty and
25 first thing she asked me was did they have Willie's trial. Well,

1 I didn't know who Willie was and she went on to tell me a few
2 things that he done and she didn't know where I stood at that
3 point and still don't know and so I talked to my wife last
4 night and I told her the best thing for me to do was to bring
5 all this out to where everyone knew about it before anything
6 got started. So, see Willie as they called him is the man
7 that is here and he went with my niece in East Hickory and from
8 what my wife said, my niece is suppose to testify on his behalf.
9 What I am saying is that I didn't know all of this when I was
10 out there answering those questions yesterday. I want to be
11 right about it and don't want to hurt anyone by this and especially
12 myself and don't want anybody surprised by anything that might
13 come out later and so I figured the best thing for me to was
14 to bring it before him, the judge.

15 MR. JOHNSON: What is the name of your niece?

16 JUROR: Brenda...she lived in Chicago for a long time.

17 MR. DETORRES: Smith.

18 JUROR: Yes, Smith, thank you sir. They had been going
19 together and he came to my house may be six or seven months ago
20 but outside of that I don't know anything about it and the only
21 conflict that I can see is that my niece will be testifying for
22 him from what my sister told me. What I am saying is that I
23 don't want to hurt him or either side and don't want anybody
24 to be surprised. I might not be doing this right but....

25 COURT: You are doing fine sir.

1 MR. JOHNSON: Mr. Shuford, if your niece should testify
2 as a witness for one side or the other in this case, do you feel
3 that is going to put you in an uncomfortable position so far as
4 trying to decide this case.

5 JUROR: No, that aint' my problem. Everyone has got
6 a good and bad side and I am only worrying about Robert Shuford's
7 business and that is what I am going to do. What my niece and
8 this guy did or does is their problem and not mine. See if I
9 could help here I would but out there I will have to go by what
10 I hear and what they say that he has done or not done. Ain't
11 one thing that I can do but to go on what I hear and find him
12 guilty or not guilty out there. What I am saying is that I don't
13 want this guy to come up and say well I have been to this guys
14 house and use to go with his niece and I am sitting there with
15 egg on my face because I didn't know that he had been there and
16 you didn't know it either.

17 MR. JOHNSON: When he was there he was visiting someone
18 other than yourself.

19 JUROR: He came down there with my older sister. That
20 is my niece's mother. My mother lives with me and last Saturday
21 we took her to Wilkesboro to visit over the 4th. Any way they
22 sent her to Winston and she had some blood clot in the neck
23 and that is what they were asking me yesterday as to where I was
24 all day while they called me. I told her I was on the jury duty
25 and she started asking me about this guy named Willie and I
could not say nothing but she told me it was the guy that Brenda

1 was going with. My wife told me that also later and so I
2 figured best thing to do was to let everyone know this morning
3 about it.

4 MR. JOHNSON: Do you feel in your own mind that the
5 fact that you have meet the defendant, that he has been in your
6 home; that he dated or has dated your niece would enter into
7 your decision and cause a probelm with your ability to be fair
8 and impartial to both sides ?

9 JUROR: No sir. I got to listen to what is told out
10 there and be fair about it. I mean that is the only thing that
11 I can base it on.

12 MR. JOHNSON: if all of the evidence that you hear
13 satisfies you beyond a reasonable doubt that this defendant
14 did the things that he is accussed or doing, the fact that you
15 know him, the fact that he has been in your home and dated your
16 niece, would not prevent you from voting to convict him?

17 JUROR: No sir.

18 MR. JOHNSON: Likewise if the evidence did not convince
19 you beyond a reasonable doubt of those things, you would not
20 hesitate to vote not guilty.

21 JUROR: That is right but I would feel might funny
22 sitting up there if you all did not know all of this. That is
23 the way I feel about it.

24 MR. JOHNSON: But other than the fact of what you
25 have told us, you could still be fair and impartial to all parties?

1 JUROR: Yes since you all know about it now.

2 MR. JOHNSON: If I might have a moment to confer
3 with co-counsel.

4 COURT: Yes sir. You have any questions sir.

5 MR. DETORRES: No sir. I think that the questions by
6 the court and the DA has covered any that I might desire to ask.

7 (Mr. Johnson left the jury room and then came back
8 into the jury room.)

9 MR. JOHNSON: Your Honor, and Mr. Shuford, after
10 conferring with co-counsel and with the lead investigator in
11 this case, we want to thank Mr. Shuford for being so honest about
12 this matter and we feel that you probably would do your best
13 to try and be fair but we think that under all of the circumstances
14 that it might be too much of a stress factor for you to be placed
15 in and your Honor pursuant to 15A-1214 G3 the state would move
16 to challenge this juror peremptorily.

17 COURT: Let me see the statute. You want to be heard
18 on this.

19 MR. DETORRES: I believe that is the provision where
20 both sides has passed on the juror?

21 COURT: Yes sir.

22 MR. DETORRES: No, I do not desire to be heard.

23 COURT: The court is inclined to grant the motion of
24 the state. Would you like to place an exception in the record?

25 MR. DETORRES: Yes sir.

1 COURT: This is no reflection upon you at all Mr
2 Shuford but I believe it is to much of a burden to place on
3 you. I don't know what the evidence is going to be in this case
4 but the fact that you had him visiting in your home and that
5 involved with a family member and plus the fact your mother
6 is now in the hospital today, I think that I will excuse you
7 from this case.

8 MR. SHUFORD: Yes sir and I feel better about it
9 also and the main thing I just wanted everyone to know about
10 this.

11 COURT: You may be excused and leave the courtroom
12 as we go out.

13 (The juror left the jury room and then all parties
14 to this matter returned into open court where the jurors who
15 were selected yesterday are present and the remainder of the
16 panel for the week is present in open court.)

17 COURT: All right. I believe at the close of court
18 yesterday, we had four challenges by the defendant. Madam
19 Clerk, call four jurors into the box...no call five now please.

20 (The Clerk at this time called five jurors into the box)

21 (Jury selection continued at this time.)

22 (Mr Johnson selected the jury and two alternates for
23 the state and Mr. Detorres selected the jury and two alternates
24 for the defendant.) (The jury and the two alternates were
25 impanelled at this time to try the cases)

1 MR. JOHNSON: State waives opening statements.

2 MR. DETORRES I would reserve opening statements
3 to the beginning of the defendant's case.

4 CARRIE LEE ELLIOTT was called as a witness for the state,
5 first being duly sworn, testified as follows:

6 DIRECT BY MR. MEYERS:

7 Q State your name, please?

8 A Carrie Lee Elliott.

9 Q Are you a resident of Catawba County?

10 A Yes sir.

11 Q Going back to October of last year, where did you live?

12 A 104 8th Avenue Drive Southeast.

13 Q Is that in Hickory?

14 A Yes sir.

15 Q What kind of residence is that.

16 A An apartment.

17 Q How long have you lived there.

18 A I lived there about over two years.

19 Q Going back to October of last year, did anything unusual
20 occur at your apartment?

21 A Yes.

22 Q What happened and what was the date?

23 A It was October 24th and it was a Saturday night.

24 Q And what happened then.

25 A I washed my hair...I had already washed my hair and took my

1 bath and got ready to go to church Sunday morning. The couple
2 next door...my husband was sick for a long time and a lot of
3 time when they, the couple next door, when they would go to
4 the store, they come over and ask if if we needed anything and
5 if I did they would bring it to me and the girl was all the time
6 bringing my husband ice cream and there was a knock at the door
7 and I thought it was them. I went to the door and opened the inside
8 door and I don't know if he had pryed the storm door open or I
9 left it opened but he just gave that door a shove and knocked
10 me clear across my living room.

11 Q What time of the day or night did this occur?

12 A Well, it was after....some time after nine because the reason
13 I know it was, because I had high blood pressure and I had to
14 take my high blood pressure medicine pill at nine o'clock at
15 night and I had already taken that. I had set down on the couch
16 and I had been to the Fresh Air Market and they gave Budget Save
17 A Stamp and I pasted the stamps on that little card.

18 Q Was it light or dark outside.

19 A. it was dark.

20 Q Had it been dark for a while?

21 A. Yes sir.

22 Q Was anyone else in your apartment with you that evening?

23 A. Nope.

24 Q You spoke about your husband. Are you married or what is
25 your marital status?

1 A. I am a widow. My husband was buried on Thanksgiving day of
2 1986.
3 Q Approximately a year after your husband' death then.
4 A Well, he had not died a year when that happened.
5 Q You wear glasses. Can you tell the jury why you wear glasses?
6 A Well, I can see better with them.
7 Q Helps your vision far away or close up.
8 A Yes.
9 Q Were you wearing your glasses that night?
10 A Yes sir.
11 Q Going back to the intruder. Did he make any statements when
12 he came thru your front door?
13 A He said he was going to spend the night with me and I said
14 you get out of here. I started screaming and he told me it was
15 no use to scream, was nobody here to help me and that he had
16 watched the couple next door go off and the apartment below
17 me was empty and he got me down on the couch and he raped me
18 on the couch.
19 MR. DETORRES: Objection, your Honor.
20 A He beat me....
21 MR. DETORRES: Objection.
22 COURT: Objection sustained.
23 A He beat me and he....
24 COURT: Just a moment madam.
25 A I don't know but it seem like forever....

1 MR. DETOPRES: Objection.

2 COURT: Sustained.

3 A I fought him....

4 COURT: MRS Elliott?

5 A Yes sir.

6 COURT: When there is an objection, if you would please

7 stop answering and let me rule on the objection.

8 A Yes sir.

9 COURT: Objection is sustained as to the use of the

10 word, rape, and the conclusion therefrom and you will not consider

11 that members of the jury.

12 Q Did you tell this intruder to leave?

13 A Yes sir.

14 Q Did he leave?

15 A No.

16 Q Did he forcibly move you from the door to the couch or how

17 did you get from the door to the couch?

18 A Yes sir.

19 Q How did he take you there?

20 A He pushed me down on the couch and he got straddle of me.

21 Q Had you ever seen this intruder before?

22 A I had seen him next door.

23 Q Did you know him?

24 A No sir.

25 Q Had you ever talked to him?

- 1 A No.
- 2 Q Did you ever see any weapon.
- 3 A He had a knife. He told me that he had a gun but I did not
4 see the gun but he had a knife.
- 5 Q What kind of knife.
- 6 A. Pocket knife.
- 7 Q Was the blade on that closed or was it out.
- 8 A. It was,...look like it was about that long. (indicating with
9 fingers.) He told me that he had a gun but I did not see any gun.
- 10 Q Was the blade out on the knife? Did you see the blade?
- 11 A. About half way.
- 12 Q Did he threaten you in any way with that weapon.
- 13 A. Yes.
- 14 Q How did he threaten you?
- 15 A. He told me that he was going to spend the night with me and
16 I told him to leave, why don't you get out of here and get you
17 a young woman, I am an old woman and he said that he didn't
18 want a young woman, that he wanted me and that he had been watching
19 me.
- 20 Q How was the intruder dressed?
- 21 A. He had on a medium green shirt and jean like or blue pants
22 and he took his shirt off and he didn't have on anything else
23 and the shirt came over his head. He pulled it over his head.
24 I had on a little short yellow housecoat and it snapped and
25 he jerked that off me.

- 1 Q Did he take any other clothing off of you.
- 2 A My panties.
- 3 Q Where did he do that.
- 4 A In the living room.
- 5 Q Was this while you were on the couch or before?
- 6 A Yes.
- 7 Q Did this intruder perform sexual intercourse with you?
- 8 A Yes sir.
- 9 Q Did you consent to the sexual intercourse with this intruder?
- 10 A No sir.
- 11 Q Approximately how long did this intercourse on the couch
- 12 last? Do you recall?
- 13 A No, it seems like forever to me. It was a horrible nightmare.
- 14 Q Beside the sexual intercourse with you, were you injured in
- 15 any way.
- 16 A I had to have some stitches and I was black and blue all over.
- 17 Q Where...where were you black and blue.
- 18 A On my arms and all over around in here. (indicating with hands.)
- 19 Q Do you recall how you got those bruises?
- 20 A Yes.
- 21 Q How did you get the bruises?
- 22 A He beat me.
- 23 Q How did he beat you?
- 24 A With his hands and he drug me. He got ahold of me and drug me.
- 25 Q After the incident on the couch, what happened next?

- 1 A. He said where is your bedroom, let's go to the bedroom and
2 I told him I was not going and he said, yes, I want you, and he
3 beat me and he drug me into the bedroom and threw me on the bed
4 and assaulted me again.
- 5 Q Did you in any way consent to going into the bedroom with him
6 from the living room?
- 7 A. No, no sir.
- 8 Q When he threw you on the bed, after he threw you on the bed,
9 what happened.
- 10 A He assaulted me again.
- 11 Q Did he have sexual intercourse with you again?
- 12 A Yes sir.
- 13 Q Do you recall how long that lasted?
- 14 A No, I can not say exact time but it seem like forever to me.
- 15 Q During these two instances, how was the intruder positioned
16 with respect to you.
- 17 A He stayed stradle of me all the time. I could not get up. I
18 was still fighting him.
- 19 Q Was he face to face with you.
- 20 A Yes sir.
- 21 Q How far away was his face from yours?
- 22 A Right up over me.
- 23 Q Do you know of your own knowledge whether or not this intruder
24 ejaculated inside of you?
- 25 A I don't think so.

1 Q After the instance on your bed, what happened next?

2 A So how I got away from him and went back in the living room
3 and there was this chair that my husband set in all the time
4 and he set down in my husband's chair and he said, what you got
5 in your refrigertor, I am hungry. I told him I didn't have
6 anything. I had a big bowl of fruit sitting in the center of
7 the table with apples and bananas in it and I started praying
8 just as hard as I could.

9 Q Were you praying out loud.

10 A Yes sir.

11 Q How did the intruder respond to your praying?

12 A He said, I never heard such screaming, let me get out of here.
13 He at that time went out the back door and he took the fruit,
14 all of the fruit but one apple and all the bananas but for two.

15 Q After he left, what did you do.

16 A I practically crawled back to the back door and locked it. I
17 was so upset and in such a state I could not think of the police
18 number and so I dialed my son's number and my daughter-in-law
19 answered and I told her what happened and I said call the police.

20 Q Did the police arrive on the scene?

21 A Yes, seem like it was not but just a few minutes when the
22 police knocked on the door. It was a young policeman and he had
23 a young woman with him.

24 Q Did you go to the police station with the police officer?

25 A They took me to the hospital.

- 1 Q To the hospital?
- 2 A Yes sir.
- 3 Q Which hospital?
- 4 A Catawba Memorial.
- 5 Q Since this instance, have you had any nightmares about it?
- 6 MR. DETORRES: Objection.
- 7 COURT: Sustained.
- 8 A Sir?
- 9 COURT: Sustained, do not answer that.
- 10 Q The night that this happened, were there any lights on in
- 11 your apartment?
- 12 A Yes, even my front porch light was on.
- 13 Q Was your home or apartment well lite that night?
- 14 A Yes sir.
- 15 Q And you first saw this intruder at the front door, is that
- 16 correct?
- 17 A Yes.
- 18 Q Do you have any idea how long he was in your apartment?
- 19 A Like I told you, seem like forever but I don't imagine it was
- 20 all that long but seen like for ever to me.
- 21 Q Were you able to get a good look at this individual?
- 22 A Yes sir.
- 23 Q Did you notice anything unusual about his face?
- 24 A He had a mole on his face and he needed a shave.
- 25 Q Where was the mole that you saw, do you recall?

1 A He had a mole on his face and I believe the right side of
2 his face.

3 Q How do you know that he had a mole there?

4 A I tried to scratch it off. I saw it and I was fought with
5 him all the way.

6 Q What...had you seen this intruder since that night of
7 October 24, 1967.

8 A I saw him in Hickory court.

9 Q Do you recall how long after all of the events of that night
10 it was that you again saw him in Hickory court.

11 A No, I don't know that.

12 Q Did it seem like a long time afterwards or a short time.

13 A I don't think it was too long.

14 Q With the exception of seeing him in the Hickory court have
15 you seen him since that night.

16 A I saw a photograph of him and I identified the photograph of
17 him.

18 Q When you saw a photograph of him, how was that photograph
19 displayed?

20 MR. DETORRES: Objection.

21 COURT: Sustained.

22 MR. JOHNSON: I would ask for a voir dire on the
23 identification.

24 COURT: Members of the Jury, if you would go to the
25 jury room and do not discuss this case while you are in there.

1 (The jury left the courtroom.)

2 MR. JOHNSON: with the court's permission, I will ask
3 the questions on voir dire.

4 COURT: Yes sir.

5 DIRECT BY MR. JOHNSON on voir dire:

6 Q Mrs Elliott, you say that you were shown a photograph and
7 picked out of the photographs one of the attacker.

8 A Yes sir.

9 Q Was that before or after this Hickory court appearance that
10 you talked about.

11 A Before that.

12 Q Who showed you that photograph.

13 A Sergeant Bryant.

14 Q Of the Hickory Police Department?

15 A Yes.

16 Q Where was it that was done.

17 A At my sister-in-law's house. I was at my husband's sister
18 in Claremont.

19 Q You recall how soon that was after the night of this attack?

20 A No, I don't recall that.

21 Q When he showed you a photograph of a person that you identified,
22 how many photographs did he show you.

23 A It was several photographs and he had them in a folder and
24 they were in little blocks like.

25 Q You recall what instructions, if any, Sergeant Bryant gave you
before showing the photographs to you?

- 1 A. He asked me to look at the photographs to see if the man that
2 attacked me was in there. I picked out his photograph.
- 3 Q Did he say we have a particular suspect's photograph in there.
4 A No sir.
- 5 Q Or anything like that to you
6 A. He said, are you sure and I said that I am positive and he
7 closed the folder and he did not say who it was or anything.
- 8 Q Did you know the name associated with the person who had
9 attacked you at that time?
10 A. No.
- 11 Q At that time had you seen this person again.
12 A. No, not since the night he was in my house .
- 13 Q That is until you were shown these photographs by Officer
14 Bryant.
15 A Yes.
- 16 Q You had been shown some other photographs on another occasion.
17 A. Yes, they showed me some photographs in the Hickory Police
18 station that night but he was not in them.
- 19 Q I will show you what I am marking as identification as
20 voir dire state exhibit one and I ask if you recognize that.
21 A. No sir.
- 22 Q You don't recognize that at this time?
23 A. No sir.
- 24 Q You say you made an identification of this person.
25 A. Yes sir.

1 Q of the person who attacked you at that time you were shown
2 some photographs.

3 A. Yes

4 Q You recognize any of these pictures on state exhibit one
5 that I showed you a minute ago as the picture that you
6 identified at that time?

7 A. I saw one that looked like it.

8 Q Now for the record this state exhibit one has six windows
9 on it and with six photographs and beneath each window is
10 a number, is that correct?

11 A. Yes sir.

12 Q Would you tell us the number of the one you say that looks
13 like it madam?

14 A. That looks like him over there.

15 Q Do you see any of these photographs and are you able to
16 tell from those photographs the person that attacked you.

17 A. They don't look like any of them now.

18 Q Do any of these photographs look like the one from which you
19 made an identification?

20 A. They were in little blocks like that.

21 Q Are you able to tell us whether any one of these is the one
22 that you identified early.

23 A. Hard to see any difference.

24 Q My question to you, do any one of these photographs look like
25 the picture that you picked out that night when you were shown

- 1 the line up by Investigator Bryant?
- 2 A. Looks like it did that night.
- 3 Q. You can not say for sure whether any one of these is or is
4 not the picture that you picked out that night.
- 5 A. No.
- 6 Q. At the time you were shown these photographs, did you look
7 at them for some time.
- 8 A. Yes, a good while.
- 9 Q. I could not hear you.
- 10 A. I had them under a bright light and he told me to look at
11 them good and I could not say exactly how long it was but I know
12 it was not too long.
- 13 Q. And at that time when you made your identification, were you
14 positive of the identification that you made?
- 15 A. Yes sir.
- 16 Q. In what way did you indicate to Sergeant Bryant that you
17 made an identification?
- 18 A. I pointed my finger at him and said, that is it.
- 19 Q. You recall any comments that you made concerning the photographs
20 at that time.
- 21 A. I just said that is him and he asked if I was positive.
- 22 Q. Were you able to see in the photograph the mole that you have
23 described in your early testimony here.
- 24 A. No, no sir.
- 25 Q. Did you say anything about that to Officer Bryant as you recall?

1 A. No.

2 Q Did you say anything about that to Officer Bryant.

3 A But I told the Hickory Police that he had either a big bump
4 or a mole on the side of his face.

5 Q At the time that you made that identification of the
6 photograph, was your identification based on your recollection
7 of the events of the night of October 24, 1987, or was it based
8 on some other information that you had been given.

9 MR DETORRES: Objection.

10 A It was still fresh in my mind.

11 COURT: Overruled.

12 Q When you later saw this individual in the Hickory court, how
13 far apart were you and he at that time.

14 A I was on the witness stand and he was sitting down there.

15 Q Were you in the same room with him for some period of time
16 at that time?

17 A Yes, while that hearing was going on.

18 Q Did you recognize him at that time?

19 A Yes sir.

20 Q Did anyone other than the fact where he was sitting, did
21 anyone point him out to you and say that is the person.

22 A No sir.

23 Q How certain were you at the time of your identification of
24 this individual that you identified?

25 A I knew him. I am certain that he was the the one.

1 Q Here in the courtroom today, do you see anyone that is the
2 person that attacked you that night?

3 A Yes sir.

4 Q Where is that person.

5 A Right down there beside the guy with the red shirt on. (pointing

6 Q Is your identification of him here at this time based upon
7 your recollection of the events of the night of October 24th
8 of last year or is that based upon being shown some photograph
9 of being based upon seeing him at some early time in another
10 court?

11 A Well, I remember him from that night. I will never forget that
12 picture of him over me, sneering at me. I never be able to erase
13 that from my memory.

14 Q When you say; picture, you are talking about a mental picture
15 and not a photograph.

16 A Yes, what I saw with my own eyes and it was not no photograph.

17 Q How positive are you of your identification of him at this time.

18 A I am positive.

19 MR. JOHNSON: That is all for now.

20 CROSS BY MR. DETORRES:

21 Q Mrs Elliott, that exhibit the state showed you. You could
22 not recognize any photograph that you were shown as being the
23 same one that you saw before, could you.

24 A No.

25 Q You don't know if those are the same photographs that you were
shown at your relative house or not, do you?

- 1 A. I know that he beat me and he is the man that assaulted me.
- 2 Q. If you would answer my question. You recognize any of the
- 3 photographs that were shown to you early here.
- 4 A. I know the man that beat me. I am positive of that.
- 5 Q. Did you recognize any of the six photographs that you were
- 6 just shown as being any of the photographs that were shown
- 7 you early at some relative house after this incident?
- 8 A. Pardon?
- 9 Q. Did you recognize any of the photographs that you were just
- 10 shown by the district attorney as being the same photographs
- 11 that were shown by the officer?
- 12 A. Well, they took....they look the same. They were in a little
- 13 blocks like that.
- 14 Q. But do you recognize any of the pictures at that time as being
- 15 the ones that you saw before?
- 16 A. Of the people?
- 17 Q. Yes?
- 18 A. No. I did not recognize all of those people.
- 19 Q. Did you....do you remember seeing the pictures of those other
- 20 people.
- 21 A. I don't remember...I don't recognize the ones that they showed
- 22 me at the Police Department.
- 23 Q. How many photographs were you shown at the police department.
- 24 A. I did not count them. There was several in a folder.
- 25 Q. Was it a folder or was it a book?

- 1 A. Well, if you had been thru what I had been thru and just
2 come from the hospital,....they had just brought me from the
3 hospital to the Hickory Police station. I did not count the
4 photographs sir.
- 5 Q How did....did you give a description to the police?
- 6 A. I told him that he was dressed and I told them that he had
7 a mole on his face and about his hair and he needed a shave.
- 8 Q That was on the first time that you gave the police that
9 information.
- 10 A. Yes.
- 11 Q Now didn't you say that this person was over six foot tall?
- 12 A. Not to my knowledge. I said that he was pretty tall.
- 13 Q Didn't you say that he was over two hundred pounds?
- 14 A. No, I did not.
- 15 Q How....do you remember your time when you were in the Hickory
16 court the last time?
- 17 A. Yes.
- 18 Q Do you remember saying that the individual that was seated
19 at the defense table looked like the person that raped you.
- 20 A. I didn't want to look at him.
- 21 Q You never said that was the person, did you.
- 22 A. Well, I knew that he was and he is.
- 23 Q But the only thing that you said was that the individual looked
24 like him, is that not true.
- 25 A. Yes sir.

1 Q Was your answer, yes.

2 A Yes.

3 Q Now when you were in the Hickory court, how many individuals
4 were seated at the table in the front of the court room.

5 A What table.

6 Q The littletable there in the front of the courtroom in
7 Hickory .

8 A Officer Hunt was sitting down there and I don't remember his
9 name.

10 Q District Attorney Meyers?

11 A No, them there. Who is that.

12 Q Is he the prosecutor

13 COURT: Don't ask questions. Just answer them.

14 A Well, I don't know his name, your Honor.

15 Q You are talking about the second individual at this table
16 over here with the mustache?

17 A Yes.

18 Q Now when...were they at the table with Officer Hunt and
19 the prosecutor.

20 A Yes.

21 Q Do you recil seeing me in the courtroom in Hickory?

22 A Yes.

23 Q Was I at the other table on the other side of ten?

24 A Yes.

25 Q And was there someone seated next to me at the table.

A Yes.

1 Q How was he dressed then?

2 A I don't remember. That was the first time I ever been on
3 the witness stand in my life.

4 Q You don't recall that he was dressed in prison clothing?

5 A Well, I never been in prison. I don't know what prison
6 clothing looks like.

7 Q Do you recall when the case was called by the district
8 attorney, who was brought into the courtroom.

9 A Pardon.

10 Q Do you recall when the case was called by the district attorney
11 and he announced the case, they were going to hear at that time,
12 do you recall who was brought in by the bailiff in the courtroom
13 at that time.

14 A He was.

15 Q Did they bring in any other person at that time?

16 A No sir.

17 Q Now you said that the person that raped you, you had seen him
18 before?

19 A Yes.

20 Q Previously to that night you had seen him around the apartments?

21 A I didn't say that I saw him at mine. I saw him at the next door
22 one.

23 Q You had seen him before the night of October 24th?

24 A Yes sir.

25 Q Did you mention that to the police when you talked to them on
the 24th?

- 1 A I thought that I did.
- 2 Q You are saying that you think that you did on that time.
- 3 A I know that I told them that I had seen him before.
- 4 Q You said that the individual told you that he was watching you.
- 5 A He told me that that night.
- 6 Q He knew that the next door neighbors were out for the night?
- 7 A Yes.
- 8 Q Did he indicate to you that he knew your next door neighbor?
- 9 A Yes.
- 10 Q Did you tell him...did you tell the police that on the night
- 11 of the 24th?
- 12 A Yes.
- 13 Q Now you said that the person that assaulted you in your
- 14 home took off a shirt, a green shirt.
- 15 A Took what off ?
- 16 Q Took his shirt off?
- 17 A Yes.
- 18 Q Was he wearing any other clothing under that on his upper
- 19 part of his body when he took the shirt off?
- 20 A No.
- 21 Q Did you notice any tatooes or any marks on his body.
- 22 A No, I was fighting. I felt like I was fighting for my life and
- 23 I was not looking for any tatooes and markings.
- 24 Q Did you notice any other marks anywhere else on his other
- 25 than the mole that you have testified about.

1 A. No.

2 Q Do you remember talking to a Linda McDowell after this
3 instance?

4 A I talked to Linda McDowell at a lot of times.

5 Q Do you remember talking to her after this night of October 24th
6 about this instance?

7 A I talked to her a lot of times after that.

8 Q Do you recall the first time that you talked to her after
9 this instance on the night of October 24th?

10 A Yes.

11 Q When was that?

12 A When they took my clothing at the hospital and they loaned
13 me a blanket at the hospital to wear home and my son took me
14 down there to return them. I believe she had taken her little
15 boy to the doctor. She said I am so sorry that happened to you.

16 Q Would that have been the next day after it happened?

17 A I don't believe it was the next day. It was not on Sunday.

18 Q Would have been two days after this happened?

19 A Well, some time the next week, along about Monday or Tuesday
20 or somewhere in there.

21 Q Did you and Mrs McDowell talk about what had happened?

22 A She had said she was so sorry that it happened to you.

23 Q Did she not indicate she might know who the individual was?

24 A She did not tell me that she knew that.

25 Q She never told you that?

- 1 A. No sir.
- 2 Q. You never told the police that she told you that?
- 3 A. (no answer.)
- 4 Q. I am sorry, did you answer that question. Did you ever tell
- 5 the police that she told you she knew who the individual might be?
- 6 A. She said she might know.
- 7 Q. She told you that she might know who this individual was. She
- 8 did give you a name, did she not?
- 9 A. She did not.
- 10 Q. Did she indicate in any way anything about the individual?
- 11 A. No.
- 12 Q. Didn't tell you what he looked like or anything about him?
- 13 A. No.
- 14 Q. She indicate to you anything about what the individual might
- 15 have been wearing or where he was that night?
- 16 A. No, no. No sir.
- 17 Q. Did you ever tell Linda McDowell what the suspect was wearing
- 18 and looked like.
- 19 A. Some time after that I described him.
- 20 Q. And do you recall what you told her?
- 21 A. I just described him just like I did to the police department.
- 22 Q. Now, were you here in the courtroom when the judge initially
- 23 introduced the different people at the tables here to the jury?
- 24 A. Yes sir.
- 25 Q. You were here when this individual was introduced to the jury

1 by name and I am pointing to the individual to my left, the
2 defendant?

3 A. Yes sir.

4 Q. And was there physically any other individual seated here at
5 this table with him other than me.

6 A. No sir.

7 Q MR. DETORRES: Your Honor, at this time before continuing,
8 I would like to move to be allowed to get a copy of any statement
9 that the witness has previously made that are in the possession
10 of the state.

11 COURT: Are there any statements as to what she testified
12 to up to this point .

13 MR. JOHNSON: There are statements.

14 COURT: I take it that the motion is premature until
15 the witness is finished with her testimony if I understand the
16 rule correctly.

17 MR. DETORRES: I believe the testimony is to the point
18 where it would allow us to look at the statements for the
19 identification she has made and any statements relating to that.

20 COURT: But I don't believe the state has finished their
21 direct of her at thistime.

22 MR. JOHNSON She is not finished on direct examination
23 on this case in front of the jury.

24 COURT: As a matter of fact, I would like to see your
25 gentlemen if I could.

1 (Counsel for both sides together with the judge
2 left the courtroom and then returned into open court.)

3 COURT: All right, proceed then Mr. DeTorres.

4 MR. DETORRES: I have no further questions.

5 MR. JOHNSON: We have no further questions of her on
6 voir dire your Honor.

7 COURT: You may step down for the time. Does counsel
8 desire to be heard on this matter.

9 MR. JOHNSON: Your Honor, I believe the evidence is
10 pretty clear and straight forward and we don't need to present
11 argument on it.

12 MR. DETORRES: Your Honor, the admission of the
13 photographs and her identification and her testimony as to the
14 identification of the photographs based on this voir dire and
15 her ability to identify any photograph as being the same that
16 she was shown as being the same individual who committed these
17 crimes or alleged crimes should not be allowed in evidence. She
18 does not have the ability to match any photographs with one that
19 she saw before or with anyone that is here in the courtroom now.
20 I think that the photo line up and any testimony concerning that
21 should not be allowed and should be suppressed and should not
22 be admissible in this case at all.

23 COURT: Can it be stipulated and I will that we can
24 use and consider her sworn testimony up to this point of the
25 voir dire on the findings of fact.

1 MR. JOHNSON: I so stipulate.

2 MR. DETORRES: I would not stipulate to that but you
3 can make the ruling that you desire at this point.

4 COURT: All right, Mr. Reporter, if you would place
5 the caption of the case as being the State of North Carolina
6 versus Willie James Grimes, numbers are 87 CrS 13540; 41; 42
7 and 44, Catawba County. This cause coming on to be heard
8 and being heard at the July 4, 1988 criminal session of the
9 Catawba County Superior Court; upon motion made by the state in
10 the course of the testimony of Carrie Lee Elliott; wherein
11 the state seeks to establish the relevancy competency of the
12 photographic identification of the defendant, Willie James
13 Grimes; which during the course of said voir dire examination
14 the state proceeded into the identification in general as to
15 the testimony of Carrie Lee Elliott's identification of the
16 defendant , Willie James Grimes;

17 The court conducted a full voir dire examination in the
18 absence of the jury; the court received evidence offered by the
19 state thru the witness, Carrie Lee Elliott and thereafter the
20 court offered counsel opportunity for argument; the state waived
21 the same by the Assistant District Attorney Mr. Johnson and the
22 defense attorney Mr Edward Detorres only stated to the court
23 that the photographis idenification should be not be allowed;

24 Based upon the believable evidence before the court, the
25 court makes the following findings of facts:

1 1. The defendant, Willie James Grimes, was present in open
2 court with his counsel, Mr Edward Dotorres; 2. That the
3 voir dire hearing was held in the absence of the jury; 3.
4 the court had an opportunity to see and observe the witness,
5 Carrie Lee Elliott and weigh the credibility and weight to
6 be given to her testimony; 4. That on October 24, 1987,
7 the witness, Carrie Lee Elliott, was at her resident in Hickory,
8 North Carolina known as 104 8th Avenue Drive, where she had
9 resided for over two years; that at said time and place it was
10 a Saturday night and was dark outside, it being some time after
11 9:00 o'clock p.m.; 5. That Mrs Elliott answered a knock at her
12 front door at which time the defendant, Willie James Grimes,
13 hereinafter called the defendant, pushed his way into the home,
14 knocking Mrs Elliott from the door across the room to the couch;
15 at said time and said place the apartment was well lighted and
16 that the witness, Elliott, was wearing her glasses and had on
17 a short nightgown and panties; 6. That Mrs Elliott, hereinafter
18 called the witness, quoted the defendt as saying, "I came to
19 spend the night with you."; 7. The witness was pushed to the
20 couch by force and she struggle to resist the defendant's efforts;
21 8. She had seen the defendant next door on prior occassions;
22 9. That at said time and place she observed a pocket knife in
23 the hand of the defendant; 10. That her nightgown and panties
24 were taken off of her by the defendant; 11. That the defendant
25 had sexual intercourse with the witness without her consent

1 and that the witness was resisting as best that she could;
2 12. That during said period of sexual intercourse witness had
3 the opportunity to observe the defendant who was straddle her
4 person and she observed a mole on his right part of his face and
5 also observed that the defendant needed a shave; 13. That she
6 does not recall the length of time of the actual act of sexual
7 intercourse on her couch; 14. The defendant asked the witness
8 where her bedroom was; 15. The witness was dragged by the
9 defendant to said bedroom where he again straddle her and where
10 she resisted as best that she could but that the defendant
11 again had sexual intercourse with the witness on the bed; 16. That
12 the witness managed to get away from the defendant and went
13 to the living room; 17. The defendant followed her into the
14 living room and demanded something to eat; 18. The defendant
15 left the living room of the witness's home and she was upset
16 to the point that she could not recall how to call the police
17 so she called her son which phone was answered by her
18 daughter-in-law who summoned the Hickory Police; 19. The
19 witness observed the Hickory City Police arrive a short time
20 later after the call to her...call to them by her daughter-in-law;
21 20. The witness was taken to the local hospital because of
22 injuries she sustained during her two encounters with the
23 defendant, one being upon the couch and the other being upon
24 the bed in the bedroom; 21. On voir dire the witness was unable
25 to identify state exhibit one on voir dire, which the court
assure to be a photographic line up.

1 Based upon the foregoing findings of facts, the court
2 concludes as a matter of law: 1. That the witness is unable
3 to identify the photographic line up exhibited to her as
4 state exhibit one on voir dire and the same is hereby excluded
5 from evidence in this trial. 2. That the witness can not identify
6 the photographic line up marked as state exhibit one on voir dire
7 as being the same photo line up that was presented to her by
8 Sergeant Bryant of the Hickory Police Department is is excluded
9 from evidence in this matter; 3. That the witness, Elliott,
10 had ample opportunity to observe the defendant in her home on
11 the night in question for a considerable length of time, all
12 though a specific length of time in minutes or hours or other
13 measure of time can not be determined except what can be gotten
14 from the activities to which she, the witness, testified to
15 concerning the activities of the defendant; 4. That the witness
16 identification of the defendant is positive and without
17 equivocation; 5. The identification of the defendant by the
18 witness is not inherently incredible given all of the
19 circumstances of the witness's ability to view the defendant
20 at the time of the crime; that the credibility of the
21 identification witness is for the jury to weigh and determine;
22 6. That the pretrial identification procedure involving the
23 defendant as to the photographic identification by the witness
24 of the defendant is hereby excluded from this trial; 7. That
25 the witness has ample opportunity to view the defendant and
observed his characteristics and that it was ample and sufficient

1 to gain and form a reliable impression of the defendant at
2 the time of the crimes charged; that the witness's degree
3 of attention was strong and focused on the accused during
4 the time the defendant was viewed by the witness at the scene
5 of the crime and in the commission of the crimes; the witness's
6 description of the accused....strike that; 8. That the
7 witness level of certainty that the accused was the same
8 person that the witness observed at the scene of the crimes
9 is firm and unequivocal; 9. That all other circumstances
10 and events surrounding the crimes and the identification of
11 the witness is sufficient and possesses a high degree of
12 certainty as to reliability;

13 It is now therefore ordered that the defendant's objection
14 to the admission of the photograph identification is allowed,
15 but the identification of the witness of the defendant is
16 competent to be received in the trial of this case. Further
17 more the court finds that based on the clear and convincing
18 evidence that the incourt identification of the defendant is of
19 independent origin based solely upon the witness' observations
20 of the defendt at the time of the crime and is not tainted by
21 any pretrial identification procedure that wree so impermissibly
22 suggestive as to lead to a mistaken identification of the
23 defendant as to be a constitutional denial of due process in
24 that the witness had ample opportunity to view the defendant
25 at the time of the crimes and that the witness had a high degree

1 of concretation and focused her attention on the accused
2 at the time of the crimes and the witness prior observations
3 of the accused at the time of the crimes is a reasonable
4 and accurate description of the accused and that the degree
5 of certainty of the witness in her identification is high
6 and the identification by the witness has not been tainted
7 by any outside influence and the witness will be allowed to
8 testify as to the incourt identification of the defendant
9 because of its independent origin and the defendant's objection
10 to the admission of the incourt identification is overruled
11 and the evidence of the incourt identification is competent
12 in the trial of these cases.

13 Now you gentlemen desire to make any entry at this time
14 in the record?

15 MR. JOHNSON: None for the state.

16 MR. DETORRES: On behalf of the defendant, the
17 objection was only to the photographic identification and
18 there has not been any incourt identification of the defendant
19 yet by the witness and I would like to put my objection in the
20 record to any findings of fact or any conclusions of law or
21 any order concerning the incourt identification for that it
22 was tainted and that any incourt identification of the defendant
23 by the witness is not proper and not admissible. We object to
24 any order concerning that for that it is premature at this time.

25 COURT: That objection is overruled and you may

1 reserve the right to make further objections and I will rule
2 on them during the testimony of the witness, Mrs Elliott
3 and her testimony has not been completed as of this time.
4 Bring the jury back in.

5 (The jury came back in open court.)

6 COUPT: Members of the Jury, at this time we will take
7 recess until 2:00 this afternoon for the lunch recess. Do not
8 discuss these matters nor allow anyone to talk to you about them.
9 Do not make up your mind about them and do not express any
10 opinion about them. Do not let anyone talk to you about these
11 matters nor talk about them in your presence.. Do not even
12 discuss the matter among yourself or with anyone else. Don't
13 read, watch or listen to any news account of these matters.
14 Do not let any outside influence come upon you whatsoever concernin
15 these matters. You may go and return at two this afternoon.

16 (The jury left and the court recessed at 12:30 p.m.)

17 Afternoon session of the court:

18 (The jury is in open court.)

19 MRS ELLIOTT returned to the witness stand:

20 DIRECT BY MR. MEYERS continued:

21 Q Mrs Elliott, describe the intruder....you said that the
22 intruder had a knife, is that correct?

23 A yes.

24 Q And how was that knife shown to you or exhibited to you?

25 A A jack knife that was not fully opened.

- 1 Q Put partly open with part of it covered and part not?
- 2 A Yes sir.
- 3 Q When you saw the knife, what position were you and the
- 4 intruder in.
- 5 A I was on the couch and he was sitting stradle of me.
- 6 Q Did he make any gestures with the knife?
- 7 A He told me that he had that knife and that I had better quit
- 8 screaming and he said that he had a gun but I did not see any
- 9 gun.
- 10 Q Where did he hold the knife towards your body.
- 11 A He held it up over me.
- 12 Q How far away from you was the knife?
- 13 A That far. (indicating with hands.)
- 14 Q Do you see the intruder in the courtroom today?
- 15 A Yes sir.
- 16 Q Point the intruder out?
- 17 A Right there. (pointing.)
- 18 MR. DETORRES: Objection.
- 19 COURT: Overruled. Let the record reflect that you are
- 20 pointing to whom?
- 21 A To the one in the red shirt there
- 22 COURT: Let the record reflect that the witness pointed
- 23 out Willie James Grimes.
- 24 MR. MEYERS: That is all.
- 25 COURT: Mr. Detorres?

1 CROSS BY MR. DETORRES:

2 Q Now you state that the knife the person had was opened?

3 A Partly.

4 Q Partly opened?

5 A Yes.

6 Q And you saw the knife?

7 A Yes.

8 Q Can you explain why you told Officer Moore when she interviewed
9 you that the knife that he had was in his pocket?

10 A I told her that I saw the knife and that he had it.

11 Q You didn't tell her that the person said they would not hurt
12 you but they had a knife in his pocket?

13 A They asked if I saw a knife and I told them that I did.

14 Q And do you remember talking to Officer Blackburn?

15 A I talked to a good many officers. I don't know all of their
16 names.

17 Q Do you remember you told him that he had a knife?

18 A I told some of them that he had a knife.

19 Q Now is it true you actually never saw a knife or gun and
20 that only the person threaten you with a knife or gun.

21 A I know that I saw that he had a knife. He certainly did have
22 the knife.

23 Q Can you explain why you never mentioned that you saw the knife
24 to the police?

25 A I did tell them.

1 Q You are saying you did tell them.

2 A Yes sir.

3 Q Now you said that the person had some type of mole on the
4 right side of his face?

5 A Yes sir.

6 Q And that you scratched that area with your finger nails?

7 A I tried to. I tried to fight him but as little as I am and
8 as big as he is, I didn't stand much of a chance.

9 Q Do you recall telling the police that you actually broke
10 your finger nails on his face?

11 A I broke them off some how, everyone of them was broken off
12 in the quick just about.

13 Q Now you testified that you had seen the person that came
14 in with the knife that night early in or around the apartment
15 next door somewhere, is that right.

16 A Yes, I saw him down there before those people moved.

17 Q You testified that the person also told you that he knew
18 your next door neighbors were not there.

19 A Pardon.

20 Q Did you not say that the person that broke into your
21 apartment told you that he knew that your neighbors were not home.

22 A He told me that Willie Mason who lived above me, that he
23 knew that or knew him.

24 Q Why didn't you mention either one of those two facts to the
25 police when you talked to them on the 24th?

- 1 A. If you had been thru what I had....
- 2 Q Do you not feel that telling them that a person you had seen
3 early in your neighborhood and also a person that you knew
4 or that knew the next door neighbor, that was important in
5 trying to apprehend a suspect?
- 6 A. He told me that he was watching them off and on and that
7 he knew Willie Mason.
- 8 Q Now the person that was in your apartment , while he was
9 engaged in having sexual intercourse with you, you say he
10 took off his shirt?
- 11 A He did.
- 12 Q When did he put the shirt back on?
- 13 A. After he....before he started to leave and was trying to
14 get me to fix him something to eat and he asked what I had
15 to eat and I told him I didn't have anything and that is when
16 he got the bowl of fruit off the table.
- 17 Q From the time he took the shirt off until the time that
18 he ready to leave and put the shirt back on, he was bare
19 chested?
- 20 A. He had his shirt off.
- 21 Q. Did he remove his pants?
- 22 A. He had pulled his pants down.
- 23 Q Did he unsip the fly area or did he pull his pants down.
- 24 A. Unsiped them.
- 25 Q. He had his belt on the pants?

1 A I don't recall a belt but he slipped his shirt off over his
2 head. It did not button all the way down. He pulled it over his
3 head.

4 Q Was he wearing any other type shirt on his upper body?

5 A Yes,,,,no, hewas not.

6 Q Do you recall telling the ppolice in the report that the
7 person was a very large person.

8 A He is a good size person.

9 Q And do you recall telling them that the person weighed
10 between 200 and 225 pounds?

11 A I don't. I said he was a good size man.

12 Q You said that the individual that you saw needed a shave?

13 A He did.

14 Q When you say thathe needed a shave, what exactly do you mean?

15 A Well, he got hair on his face has he not? What do you think
16 a mustache and all is made out of if not hair sir ?

17 Q Was the person wearing a mustache?

18 A. He was that night.

19 Q Did....you are saying that he did have one that night?

20 A. That night he did.

21 Q He have any kind of beard?

22 A. He felt like that he needed a shave all over his face and
23 along in here. (indicating with hands to face.) I told him that
24 he needed a shave.

25 Q Now during all the time when this person was in your apartment,

- 1 did you have your eyes opened during all that time?
- 2 A. Yes sir.
- 3 Q. The person never actually hit you or cut you in any way
- 4 did he.
- 5 A. He hit me.
- 6 Q. With the knife?
- 7 A. No, he did not cut me with the knife, no.
- 8 Q. When were you first aware of the name of Willie Grimes in
- 9 connection with this?
- 10 A. pardon.
- 11 Q. When did you first become aware of the name of Willie James
- 12 Grimes in connection with the person that entered your apartment?
- 13 A. I don't know what he said?
- 14 Q. When did you first learn the name of Willie Grimes?
- 15 A. When it come out in the paper.
- 16 Q. So that was the first that you had heard of that name.
- 17 A. That the first that I knew as to who he was yes.
- 18 Q. And when you came in this courtroom yesterday, was not some one
- 19 introduced to the jury by the name of Willie James Grimes?
- 20 A. I heard them call his name and call my name.
- 21 Q. Do you not recall when Judge Griffing introduced the defendant
- 22 that he advised the jury that this was Willie James Grimes.
- 23 A. Yes, I heard that yesterday.
- 24 Q. And you know this individual that is charged with these crimes
- 25 is this man right here?

A Sir?

1 Q And you know here is the man that is charged with the crimes
2 is that right.

3 A Yes sir.

4 MR. DETORRES: I believe that is all.

5 RE-DIRECT BY MR. MEYERS:

6 Q What is your age madam?

7 A Seventy.

8 Q And could you tell the jury how big that you are?

9 A I am five foot in stocking feet and I weigh ninety pounds.

10 Q When you saw the mole on the right side of the face of the
11 intruder, was he facing you?

12 A Yes, he was right up over me.

13 Q Was the mole on your right?

14 A He was up over me and I would see that mole on his face
15 right here. (indicating with hand to face.)

16 MR. MEYERS: That is all.

17 GARY ANTHONY LEE was called as a witness for the state, first
18 being duly sworn, testified as follows:

19 DIRECT BY MR. JOHNSON:

20 Q Tell us your name, sir.

21 A Gary Anthony Lee.

22 Q Where are you employed sir.

23 A Hickory Police Department.

24 Q What capacity sir.

25 A Patrol officer.

- 1 Q How long have you been with the Hickory Police Department?
- 2 A Be two years in September.
- 3 Q Directing your attention to the evening of October 24, 1987,
- 4 a Saturday night,, were you working that night?
- 5 A Yes, I was.
- 6 Q What shift did you work that day sir.
- 7 A I believe that was the second shift.
- 8 Q The hours of the second shift would be what sir.
- 9 A From two in the afternoon to twelve midnight.
- 10 Q During the course of your shift, did you have the occasion
- 11 to go to 104 8th Avenue Drive in Hickory?
- 12 A Yes.
- 13 Q And that is the home of Mrs Elliott who just testified?
- 14 A Yes sir.
- 15 Q What time did you arrive there sir.
- 16 A I believe that would be approximately 9:21 or 9:22 p.m.
- 17 Q What were the lighting conditions at the time sir.
- 18 A Outside, it was dark.
- 19 Q When you arrived state what you observed sir.
- 20 A First arrived, myself and Sergeant Bently arrived at about
- 21 the same time and he was in front of me and went into the
- 22 apartment known as 104 to see who was inside. The door was open.
- 23 The screen door was opened and pushed back all the way and
- 24 Sergeant Bently was entering the apartment and I was behind him
- 25 and we spoke with Mrs Elliott.

- 1 Q When you say that the screen door was pushed all the way back,
2 what do you mean sir.
- 3 A Well, like a lot of doors it had a chain on it at the top
4 and that is to keep the door from just going back so far to
5 a certain point and as far as I recall this door was all the way
6 back to the wall and it was not in the normal position.
- 7 Q What you mean the door was standing open on its own.
- 8 A Yes.
- 9 Q When you went in, who did you see at that time sir.
- 10 A Mrs. Elliott.
- 11 Q And after you saw her, what did you do sir.
- 12 A Myself and Sergeant Fently tried to get a quick, brief
13 description of the person from her and Sergeant Fently secured
14 the crime scene and I began the sweep of the neighborhood and
15 we had a couple of other cars in the area also looking for the
16 suspect in the area.
- 17 Q You took time to prepare some initial report at that time,
18 did you not sir.
- 19 A Yes, after searching around the apartment there.
- 20 Q You prepared the initial report concerning what you had done
21 at that time?
- 22 A Yes sir.
- 23 Q And you included a description of a suspect in your report,
24 is that correct?
- 25 A Yes sir.

1 Q From whom did you obtain the description of the suspect that
2 you placed in that report sir.

3 A From the victim, Mrs Elliott.

4 Q And what was the description that was given you at that time sir

5 A. According to my report, black male, approximately six foot
6 tall, may be weighing between 200 and 225, approximately 35
7 years old, dark skin and very bushy hair.

8 Q Did you do any interview with Mrs Elliott as to what had
9 happened to her.

10 A. Just real brief, enough to get it on the air to the other
11 cars as to what happened and she stated that he had broken the
12 door or broken the screen door and had gotten to the door and
13 pushed her back and had sexual intercourse with her on the
14 sofa and then again on the bed and after I got the description
15 I left the apartment and searched around the other apartments
16 and questioned some of the neighbors there.

17 Q As a result of searching in the other apartments and around
18 them, did you find any one at that time?

19 A No, I did not.

20 Q Do you know whether any other officers came and spoke with
21 Mrs Elliott that evening?

22 A Yes, Officer Elackburn did come to the scene and Officer Moore
23 I think was called but I believe she went to the hospital where
24 Mrs Elliott was taken.

25 MR. JOHNSON: Examine the witness.

1 CROSS BY MR. DETORRES:

2 Q Officer Lee, in the description that you just gave us,
3 did you ask her what the person was wearing?

4 A Yes sir.

5 Q And I did not hear you give that reflected in your description
6 here. Was she able to give you any description as to what he
7 had on.

8 A She said blue jeans and she described at the time a green
9 pull over sweater.

10 Q Did she indicate anything to you about a mole on his face?

11 A No, not at the time.

12 Q And did she indicate anything to you about the person mentioning
13 to her that he knew that the next door neighbors were gone.

14 A No.

15 Q Did she indicate to you anything about the person knew her
16 husband?

17 A No.

18 Q Did she indicate to you that she had seen this person before
19 that night around the apartments there.

20 A She made no mention of that. She was real distraught at the time.

21 Q Did she give you any other identification of the person other
22 than what you have told us about here.

23 A Nothing I can think of. Just his height and weight and she was
24 real upset and she could not exactly come up with any other
25 items then. I asked if she could describe him by me? Was he

1 approximately my size and built or bigger or what.

2 Q And how tall are you sir.

3 A I am six foot.

4 Q And how much do you weight sir.

5 A Right now two hundred pounds.

6 Q Now she indicated to you about the person having a mustache
7 and being unshaven?

8 A I can not recall that, no sir.

9 MR DETORRES: That is all.

10 SUSAN R. MOORE was called as a witness for the state, first being
11 duly sworn, testified as follows:

12 DIRECT BY MR. JOHNSON:

13 Q Tell us your name please?

14 A Susan R. Moore.

15 Q And where are you employed?

16 A Hickory Police Department.

17 Q And in what capacity?

18 A Currently in investigations.

19 Q How long have you been with the Hickory Police Department?

20 A Approximately eight and half years.

21 Q Back in October of 1987, how were you assigned at that time?

22 A I was working on patrol.

23 Q On October 24, 1987, were you working at that time, that night.

24 A Yes, I was.

25 Q Did you have the occasion to interview Carrie Lee Elliott that
evening?

1 A. Yes, I did.

2 Q Where was that?

3 A. I initially spoke to her at the resident and most of the
4 interview was conducted at the Catawba Memorial Hospital.

5 Q What time did you first see her at the apartment as best
6 you recall.

7 A. It was after nine but I don't know the exact time sir.

8 Q What did you observe about her condition at that time when
9 you saw her at the apartment?

10 A. She was very distraught and she was emotionally upset and
11 there appeared to be evidence of bruising that was starting
12 to appear on her upper arms and in this area.

13 Q Do you know how she got to the hospital?

14 A. Yes, I believe her family transported her. We offered to let
15 me transport her and she felt she would be more at ease I suppose
16 with her family and so they took her to the hospital.

17 Q And you meet her and then conducted an interview there at the
18 hospital with her.

19 A. Yes, I talked to her there.

20 Q Which hospital was that.

21 A. Catawba Memorial.

22 Q Do you know if she saw a doctor at the hospital that night?

23 A. Yes, Doctor Crane was the emergency room physician at that time.

24 Q Did Mrs Elliott give you a statement concerning what happened
25 to her that evening?

1 A Yes, we talked about it.

2 Q What did she tell you on that occasion.

3 MR. JOHNSON We offer this to corroborate Mrs Elliott's
4 early testimony if it does so and for no other purpose your
5 Honor.

6 A She stated that she had been in her living room that night.
7 she had been to the Fresh Air Galaxy and gotten some Budget
8 stamps coupons and was going to cut the coupons and put them
9 on the page and there was a knock on her door and she said
10 this was probably between 8:30 or nine , may be after that.
11 She stated she went to the door assuming it was her neighbor
12 and she opened the door slightly when this black male subject
13 pushed the door open on her and made the remark, " I want you,
14 I want you." She stated she told this unknown person to get out
15 of her house and that the black male stated that I am not going
16 anywhere, I want you and she said the black male then pushed
17 her on the living room couch and at that time she was asked
18 what clothing she was wearing and she stated she had on the
19 housecoat and a pair of panties and a bra. She said that the
20 black male pushed her down on the couch and that he removed
21 her panties and proceeded to have sexual intercourse with her.
22 She stated after the sexual intercourse on the couch, that the
23 black male made a comment to her, let's go to the bedroom and
24 asked where the bedroom was. She advised that she was not going
25 to go anywhere and that the black male told her to walk to the
bedroom and she refused and she stated that the black male

1 dragged her into her bedroom and put her on the bed and had
 2 sexual intercourse with her there. She stated after they had
 3 sexual intercourse that the black male made it a point that....
 4 excuse me.... she said that he mentioned something about
 5 wanting something to eat and she also advised me she started
 6 praying out loud and that the black male made the comment
 7 that he could not stand that praying and he asked what was
 8 in her refrigerator and she stated she did not have anything and
 9 did not fix supper and there was some fruit in a bowl on the
 10 table and that he went towards the bowl and removed the fruit
 11 from the bowl and went out the back door. She stated after he
 12 went out the back door that she locked the door and called
 13 her daughter-in-law that contacted us at the police department.

14 Q Did she make any statement to you as to any weapon that was
 15 discussed or used in connection with this offense?

16 A She stated that he made the threat that he had a knife. That
 17 he would cut her if she did not cooperate and do what he wanted.

18 Q When you were at the residence, did you have the occasion to
 19 look around to see what was present at the scene?

20 A I was there very briefly. I would say less than five minutes
 21 and Officer Lee was there and Sergeant Bently and they were
 22 taking care of the scene there.

23 MR. JOHNSON: That is all.

24 CROSS EXAMINATION BY MR. DETORRES:

25 Q Other than Mrs Elliott, Officer Lee and Sergeant Bently,

1 who else was at the home when you arrived?

2 A. To the best of my memory, I remember Sergeant Bently and
3 Office Lee and myself and Mrs Elliott. I left shortly after
4 and if anyone came after that I don't know about it. I don't
5 know who was there after I left sir.

6 Q And when you left did you go directly to the hospital.

7 A. Yes.

8 Q And so at some point did you leave the house to go to the
9 hospital to see Mrs Elliott?

10 A. Yes, we left the same time. Her family transported her to
11 the hospital and I either followed them or they followed me.
12 I don't remember which but we left together and arrived at
13 the hospital together.

14 Q Was her family there when you arrived or did they arrive after
15 you arrived in the home.

16 A. I think they arrived shortly thereafter.

17 Q Now you testified that she made a statement to you that the
18 black male told her that he had a knife and that he threaten her
19 with the pocket knife.

20 A. Yes, that is what I wrote down that he said to her.

21 Q Do you recall her having said anything that she saw the knife?

22 A. No, but she was very distraught that evening also.

23 Q But you have nothing in your notes where she told you that she
24 saw the knife.

25 A No.

1 Q Only that he had a knife in his pocket?

2 A Yes.

3 Q Was there any mention of any gun.

4 A Not to my recollection.

5 Q Did she give you any description of the perso who had
6 broken into her home.

7 A If she did, I don't remember. Officer Lee took care of
8 that.

9 Q Do you remember if that was given while you were there or
10 before .

11 A I believe while I was there.

12 Q And you remember any details of what the description was.

13 A When He gave it over the radio, it was a black male, I remember
14 about 35 and two hundred pounds and six feet of height or little
15 over.

16 Q Was there any mention that the person was wearing any
17 particular clothing?

18 A Sir, If there was I don't recall. I was dealing with Mrs Elliott.

19 Q Did she ever tell you that she had seen this person in or near
20 her home?

21 A. Not to my recollection, no.

22 Q Did she ever tell you that the person knew her husband and
23 or next door neighbors?

24 A No.

25 Q Did she ever tell you this person was in the area there.
A No.

1 MR. DETORRES: That is all, thank you.

2 J. L. BLACKBURN: was called as a witness for the state, first

3 being duly sworn, testified as follows:

4 DIRECT BY MR. JOHNSON:

5 Q Tell us your name, sir.

6 A Investigator J. L. Blackburn.

7 Q You are employed by whom sir.

8 A Hickory Police Department.

9 Q How long have you been so employed sir.

10 A Approximately four years.

11 Q What capacity were you employed with the Hickory Police

12 on October 24, 1987.

13 A I was an investigator.

14 Q Directing your attention to October 24, 1987, did you have

15 the occasion to talk to Carrie Lee Elliott that day.

16 A Yes, I did.

17 Q What time did you talk with her sir.

18 A I spoke with Mrs Elliott at 11: 45 p.m.

19 Q What was the location of that sir.

20 A Hickory Police Department.

21 Q Do you know if this was before or after she had spoken with

22 Officer Moore.

23 A It would be after that.

24 Q What did you observe concerning Mrs Elliott condition at

25 that time sir?

1 A Mrs Elliott was very distraught and emotional, due to the
2 instant the occurred that evening. She had already been to the
3 hospital and had been attended to at the time that I interviewed
4 her.

5 Q On that occasion did she make a statement to you concerning
6 what happened that night to her sir.

7 A Yes sir.

8 Q What statement did she make to you sir?

9 MR. JOHNSON: I offer this to corroborate what she
10 testified to early your Honor.

11 A Mrs Elliott stated that on that evening at about nine o'clock
12 that a black male knocked on the front door and she opened the
13 door and that that he forced the door open and came in the
14 apartment. After the individual got inside he stated that, I
15 want you, I want you and proceeded to push the victim on the
16 couch in the living room. After pushing her on the couch, she
17 stated that he ripped off her panties and proceeded to sexual
18 assault her. After approximately a time of ten or fifteen minutes,
19 the suspect stated let's go to the bedroom and that she stated
20 she was not going any where and he said yes you are and then
21 forced her in the bedroom. After she got in the bedroom that
22 she stated he sexually assaulted her again. He stated that he
23 was not going to hurt you if you give me some loving, I got
24 a knife and I will cut you and at that time he proceeded to
25 sexually assault her again in the bedroom. She stated that he held

1 her on the bed and she stated after he had assaulted her
2 that she needed to go to the bathroom and and he let her up
3 at that time and she return to the living room and that she was
4 praying out loud and that he makesome comment about her praying
5 out loud and she asked him to leave and that he made some
6 statement that he was not and was gong to stay all night with
7 you and at which time that he then asked what is in the frig
8 to eat and he was hungry and thatwasabout it.

9 Q. Did she tell you anything about the fruit.

10 A. Yes, that he got some fruit out of the bowl and left out of
11 the back door.

12 Q did she give you a description of the person.

13 A. Yes.

14 Q What description did she give you at that time?

15 A. She gave me the description of black male, approximately 35
16 years old, six foot to six one and very large build and bushy
17 hair and needed a shave and he was wearing a dark green pull
18 over shirt and she stated he had a very strong odor of alcohol
19 and quote her, rock gut liquor. During the time of asking her
20 for the description, I was asking her to compare the suspect
21 to me and I would stand up and ask her fi he was taller or shorter
22 and she said that he was just a little taller and weighed
23 a little more than I did.

24 Q How tall are you.

25 A Six foot.

1 Q What do you weigh?

2 A 195.

3 Q Did she indicate to you whether or not the person who
4 attacked her had ejaculated inside of her.

5 A She stated that he did not to her knowledge.

6 MR. JOHNSON: That is all.

7 CROSS BY MR. DETORRES:

8 Q Was there anything in her description for that time about
9 a mole or scar.

10 A No. To the best of my knowledge, she was trying to describe
11 his general features and size. Like I said, she was very upset
12 that night.

13 Q Was there anyone else there with you when you talked to her.

14 A Yes, Investigator Moore was also in the room.

15 Q So the three of you were there?

16 A Yes.

17 Q Now she never indicated to you that the person had taken
18 a knife out, did she.

19 A No.

20 Q But she did say that the person was taller than you and
21 weighed more at the time.

22 A Correct.

23 Q She ever tell you she had seen this person in or around
24 her apartment at some prior time?

25 A Not to my knowledge sir.

1 Q She ever tell you that she knew the defendant or the person
2 who was there that night.

3 A. No sir.

4 Q Or that he knew her husband?

5 A. No.

6 Q The persondid she tell you that the person told her
7 that he knew the next door neighbors?

8 A. No.

9 MR. DETORRES_That is all.

10 STEVE BRYANT was called as a witness for the state, first
11 being duly sworn, testified as follows:

12 DIRECT BRMR JOHNSON:

13 Q Tell us your name?

14 A. Steve Bryant.

15 Q Where are you employed?

16 A. Hickory Police Department.

17 Q And in what capacity sir.

18 A. Police Sergeant Supervisor Criminal Investigation.

19 Q How long have you been with the Hickory Police sir.

20 A. Approximately five and half years.

21 Q What capacity did you serve in in October of 1987.

22 A. Police Sergeant.

23 Q Directing your attention to October 24, 1987....the 26th,
24 1987, did you have the occasion to see Carrie Lee Elliott that
25 day.

A. Yes sir, I did.

1 Q And where was that sir.

2 A. In my office at the Hickory Police Department.

3 Q At about what time sir.

4 A. Approximatey 12:15 p . m . that date.

5 Q Was anyone present besde yourself and Mrs Elliott?

6 A. Yes.

7 Q Who was there?

8 A. Her daughter-in-law. Rachael Elliott.

9 Q Now on that date, did Mrs Elliott mention a Linda McDowell

10 to you.

11 A. Yes, she did.

12 Q And after disucssing with you concerning Mrs McDowell, did

13 Mrs Elliott continue to make any statements to you about what

14 happened or anything to do with the events of the night of

15 October 24, 1987.

16 A. She did make some statements about the suspect.

17 Q What did she say at that time about the suspect.

18 A. You want me to say all tha she said?

19 Q Did she indicate whether or not she had made some statements

20 to the suspect .

21 A. Yes, in an attempt to scare him off, she did.

22 Q And wha did she say she said to him?

23 A. She told me that she told the suspect in an attempt to scare

24 him off that Herman and his wife were coming over soon and

25 that he had better leave and she told me that the suspect then

told her that he knew the Gascons were not home. She then told me

1 that the suspect told her that the Masons was not coming over
2 and she told me that he said that he liked elderly woman because
3 they did not fool around.

4 Q Did she give you some other description concerning this
5 suspect?

6 A. Yes.

7 Q What was that sir.

8 A. She told me that the suspect had kind of or talked with a
9 lisp as if he was on drug and that the suspect had a mole of
10 some kind or a bump on the right side of his face. she told
11 me that she, it was on the right but she was not sure but
12 on the side and she told me she had tried to scratch the face
13 or the mole because she broke her finger nails on him.

14 Q Did she indicate that she might be able to identify him if
15 she ever saw him again.

16 A. Yes, she said that she could identify him.

17 Q And you talked to her again later that same day, did you
18 not sir.

19 A. Yes, I did.

20 Q And where was it that you talked to her then sir.

21 A. At her mother's resident and I believe that address would
22 be Route One, Claremont.

23 Q And directing your attention to the top of the third page of
24 your report that you prepared, that is concerning that days
25 activity, did she make any statement to you as to what impact
on her the face of this person had had?

1 A. Yes, she told me that she could never forget his face, that she
2 would always remember it. She told me that what happened to her
3 that night was the worse of any nightmare she could imagine.
4 She said that he really hurt her and she could not hardly walk
5 because he was on top of her and he had her legs bent way back
6 towards her head.

7 Q And did she talk any more about the mole or bump on his face
8 at that time?

9 A Yes, she did.

10 Q What did she tell you about that sir.

11 A. She gain told me that she tried to stretch him on that mole.
12 She said that she did recall the mole being close to the corner
13 of his mouth. She told me she was not sure about which side of
14 the face the mole was on but thinking about it at that time
15 she told me that she thought it was the left side and she told
16 me that she thought she had seen him at her neighbor apartment
17 last summer chasing a young white gril around the apartment
18 and she gave the name of the child as Allen.

19 MR. JOHNSON: That is all.

20 CROSS BY MR. DETORRES:

21 Q Officer Bryant, you saw her tow days after this alleged
22 incident?

23 A Yes, Octoher 26th.

24 Q And how did she come to be at the station. Did you contact
25 her or did she contact you about coming in?

1 A. I believe she just stopped by. I can nto recall what the
2 circumstances was that brought her to the department.

3 Q Have...had you met her before this time?

4 A. I had not formally met her. I had seen her on Ocober 24th
5 at the police department.

6 Q Now is it not the first thing in your notes that Mrs Elliott
7 talked about is her talking to her next door neighbor about
8 what happened, that is Linda McDowell?

9 A. Yes.

10 Q And that was how she started the conversation?

11 A. Yes sir

12 Q And after she related to you aout Linda McDowell, then after
13 that she started giving you some additional details about the
14 ssuspect and what he looked like.

15 A. Yes sir. That is what reported to me.

16 Q After that she started givign you additional information that
17 te person that broke in her house knew Mrs Mason next door?

18 A. Yes sir.

19 Q And she did state to you that she broke her figer nails on the
20 face of the person.

21 A. Yes, that is correct.

22 Q And you testified that both the first and second interview,
23 that you had with her, that she told you that she could identify
24 the person that did this, is that correct?

25 A. yes sir.

1 Q In fact on the third page of your report, she advised you
2 that she could not ever forget the face, is that right.

3 A Yes.

4 Q And yet she is telling you that she did not know for sure
5 which side the mole was on.

6 A Yes and then later on she explained that.

7 Q Fact you got it as the right side but she could not be
8 sure and later on she said it was the left side after she
9 thought about it.

10 A Yes sir.

11 Q Yet she can not forget the person's face and she can not
12 remember if the mole is on the right or the left according to
13 your notes?

14 A According to my notes here, after thinking about it she said
15 it would have been the left side at the corner of his mouth.

16 Q Did she tell you this person had a mustache?

17 A I don't recall that.

18 Q Did she tell you this person had a beard?

19 A I don't think we talked about that but if we would have it
20 would have been in my report sir.

21 Q Did she tell you how large this person was or how much
22 that he weighed?

23 A No sir.

24 Q Did she tell you she saw the person the summer before at
25 Mary Eller's apartment?

A Yes sir

1 Q And that apartment is somewhere near her apartment?

2 A That is correct.

3 Q And this is two days after the night of October 24, that
4 she told you this and after talking to Linda McDowell?

5 A Yes.

6 MR. DETORRES: Thank you.

7 RE-DIRECT BY MR. JOHNSON:

8 Q What did you observe about Mrs Elliott's emotional condition
9 when you talked to her on the 26th of October?

10 MR. DETORRES: Objection

11 COURT: Sustained.

12 Q At the time that you talked to her on the 26th of October,
13 did you have the name of Willie James Grimes as a suspect.

14 A Nossir.

15 Q Did you thereafter talk to Linda McDowell?

16 A yes, I did.

17 Q When did you talk to Linda McDowell?

18 A I received a phone call from Miss McDowell on October 26th,
19 about 4:10 p.m. that day.

20 Q After you had that phone conversation with Linda McDowell,
21 did you then have the name of Willie James Grimes as a suspect
22 or potential suspect in these matters?

23 MR. DETORRES: Objection.

24 COURT: Overruled.

25 Q That was a telephone conversation and I did not have that
name at the time from her. She met with me later at the police

1 department and approximately 4:30 p.m. On October 26th at the
2 time she did give me the name.

3 Q MR. DETORRES: object and move to strike that out.

4 COURT: Overruled.

5 MR. JOHNSON: That is all.

6 RE-CROSS BY MR. DETORRES:

7 Q Until you had this name of Willie James Grimes, you say
8 you got that from Linda McDowell, he had no connections with
9 this case up to that time, did he.

10 A That is correct as far as I know.

11 Q Now did you have a photograph of Willie James Grimes at the
12 police department.

13 A Yes, I did.

14 Q MR. DETORRES: That is all.

15 COURT: Will take a brief recess at this time members
16 of the jury. Do not talk about this matter nor allow anyone
17 talk to you about it. (Jury left the courtroom.)

18 (The court took a short recess at this time and
19 the jury returned into open court.)

20 JACK HOLSLAW was called as a witness for the state, first
21 being duly sworn, testified as follows:

22 DIRECT BY MR. JOHNSON:

23 Q Tell us your name sir.

24 A Jack Holsclaw.

25 Q And were...where were you employed sir?

- 1 A. Hickory Police Department.
- 2 Q. And what in capacity sir.
- 3 A. Evidence Technician.
- 4 Q. And how long have you been employed with the Hickory Police
- 5 Department?
- 6 A. December of 1971.
- 7 Q. How long have you been with them as the evidence technician?
- 8 A. October 1980.
- 9 Q. What are your duties as evidence technician of the Hickory
- 10 Police Department?
- 11 A. Part of my duties include to do the crime scene search when
- 12 I am called by the supervisor and process the crime scene for
- 13 any evidence and make photographs of the crime scene.
- 14 Q. Did you have the occasion to go the residence of Carrie Lee
- 15 Elliott on October 24, 1987.
- 16 A. Yes, I did.
- 17 Q. What time did you arrive there sir.
- 18 A. It was after 9:30. I don't have the exact time.
- 19 Q. Who was present when you arrived?
- 20 A. Officer Blackburn
- 21 Q. What did you do upon your arrival there sir.
- 22 A. Officer Blackburn informed me of the circumstances and I
- 23 proceeded to process the crime scene.
- 24 Q. What did you do specifically in processing the crime scene sir.
- 25 A. First thing I did was to make a series of photographs. The

1 The second thing we did....I did was to gather certain items
2 that I deem to be related to the case.

3 Q What items did you take into your possession at that time sir.

4 A Several items were taken by myself. One of them was a latent
5 fingerprint that I had taken from a banana lying on the kitchen
6 table.

7 Q Did you attempt to process any other location beside that
8 piece of fruit sir.

9 A There were several other pieces that I did. There were two
10 bananas and an apple lying there as best that I recall and
11 I processed all of those and I got one latent fingerprint
12 that was of value on it from the scene.

13 Q Did you check the doors or other items inside of the premises
14 beside the fruit to see if there were any identifiable prints
15 on them or print that you could lift?

16 A Yes.

17 Q What did you find in that regard?

18 A There were no other identifiable prints located either the
19 point of entry or the point of exit.

20 Q As to the point of entrance, you refer to the front door.

21 A Yes sir.

22 Q And what did you observe the condition of the front door to
23 be when you arrived sir.

24 A When I arrived the front door was shut and it was a storm door
25 that was closed.

- 1 Q It was closed at the time you arrived?
- 2 A At the time I arrived, yes.
- 3 Q Did you inspect the condition of that storm door to see what
4 it was.
- 5 A I looked at it when Officer Blackburn brought it to my
6 attention and I DON'T recall exactly what I looked at but
7 I do remember looking.
- 8 Q You didn't make any notes concerning that?
- 9 A No sir.
- 10 Q As to the card of latent fingerprints that you examined
11 or you found, what did you do with those sir.
- 12 A I maintained them in my custody for several days and about
13 a week or so later after the initial instant, I looked at these
14 prints with Special Agent Bob Melton of the State Bureau of
15 Investigation and we looked at these prints to determine their
16 quality of value.
- 17 Q And what did you determine about that sir.
- 18 A We determined that there were two prints on there of value.
- 19 Q Do you know Agent Melton to have training in finger print
20 identification and analysis?
- 21 A Yes, he was a print examiner before becoming the mobile
22 crime lab operator for the SBI and he worked for the Federal
23 Bureau of Investigation in the finger print section.
- 24 Q Were these two prints that you found of value compared with
25 some other prints?

- 1 A. Yes sir.
- 2 Q And again how many known standards were they compared with.
- 3 A Compared with the defendant's finger prints.
- 4 Q What was the result of that examination?
- 5 A. The results were there was no identification made of the
- 6 defendant by those two latent prints that were gathered from
- 7 the scene.
- 8 Q Was anyone else prints like Mrs Elliott compared against
- 9 the latent prints that you removed fro the fruit.
- 10 A No, I did not have a set of her prints. I did not compare
- 11 those.
- 12 Q Were any of the prints from any of the officers present on the
- 13 scene compared against the latent prints from the fruit.
- 14 A No, they were not.
- 15 Q What else did you remove from the premises that night sir.
- 16 A I removed a pair of panties that were found in a bedroom and
- 17 identified as the victim's bedroom by Officer Blackburn. I removed
- 18 those as identified as being worn by the victim at the time. I also
- 19 examined the top covers of the bed, that is the bedspread or
- 20 top covers on the bed and removed several hair samples and placed
- 21 them in a plastic bag and sealed them up.
- 22 Q I will show you what is marked as state exhibit one for
- 23 identification and I ask if you recognize that sir.
- 24 A Yes I do.
- 25 Q What do you recognize that as being sir.

1 A. That is the plastic bag with my evidence seal on it
2 and it has my initials and the Hickory Police Department
3 OCA number on it and the date and the time, what it is and
4 my item number along with some hair sample still left the
5 bag at the time now.

6 Q. And what is that state exhibit one.

7 A. That is the hair samples or part of them that I took off of
8 the bedspread and sheet at the victim's bedroom.

9 Q. What did you do with this after collecting it from the
10 bed sir.

11 A. After collecting that, I sealed the plastic bag, brought it
12 to the Hickory Police Department and put it in an evidence control
13 locker which later date those hair samples were mailed to the
14 State Bureau of Investigation in Raleigh for comparison with a
15 known standard of a subject's hair.

16 Q. In the course of your inspection of the premises that night
17 what did you observe concerning the physical condition of the
18 premises sir.

19 A. The premises when I arrived was in a well kept condition and
20 it was apparently well kept. It was a single story family unit
21 apartment and to the best of my knowledge is government housing.
22 It has the front entrance with a living room, kitchen, two
23 bedrooms and a bathroom; the sofa has a cover over it to keep
24 it free of dust and dirt and it was slightly in a state of
25 disarray. The bedroo of the victim was in a state of disarray
while I saw the top covers on the bed were wrinkled as if someone

1 was on top of the covers and not gotten under them but on top
2 of them..

3 Q You have mentioned some fruit that you removed with latent
4 prints on that. Where was the located sir.

5 A. That was located at the kitchen table and it apparently had
6 been in a plastic container or bowl. I could not tell if it
7 had been picked up and set down out of the bowl or just turned
8 over or knocked over or what but there were two bananas and
9 an apple left out of the fruit bowl. After I was told of what
10 happened I determined it was part of the evidence to be processed.

11 Q Did you notice whether there were any lights on in the
12 premises at the time and if they were working.

13 A. Yes, the lights were on when I arrived. The overhead lights
14 were on and some lamps and it was well lite when I got there
15 and all appeared to be working.

16 Q How far is it sir if you are able to tell us from where
17 the couch was located back to the bed in the bedroom sir.

18 A. Probably fifteen or twenty feet.

19 Q Were there any obvious signs of a struggle of any type there
20 sir.

21 A. That would be hard to tell. It appeared to me that on the
22 sofa there had been some struggle and appeared to me to be one
23 on the bed or some type of activity.

24 Q At some time later did you come in possession of some other
25 items of evidence submitted to you?

- 1 A. Yes, I did.
- 2 Q I will hand you what is marked as state exhibit two and I as
3 if you are able to recognize that sir.
- 4 A. Yes that is a SBI rape kit that I received from Officer Blackburn
5 and I received that from him on 12-26-57 at 9:00 in the morning
6 and that is when I took it out of the evidence locker at the
7 police department where it was locked in which I had the only
8 key for.
- 9 Q. What did you do with that after receiving it from the locker
10 from Officer Blackburn through the locker sir.
- 11 A. I sent that SBI rape kit to the SBI lab in Raleigh and
12 examination and analysis.
- 13 Q. Did you thereafter receive that back from the lab?
- 14 A. Yes, I did.
- 15 Q. And did you thereafter submit this exhibit later to the lab
16 again.
- 17 A. Yes sir.
- 18 Q. Where did you keep it between the time that you received
19 it back from Raleigh and the time that you resubmitted it.
- 20 A. It was locked in the evidence control room at the Hickory
21 Police Department.
- 22 Q. Did you make any changes in it or allow anyone else to make
23 any changes in it between those times?
- 24 A. No, I did not and did not allow any to be made.
- 25 Q. Then you handle it again when you opened the transmission box
from Raleigh this afternoon there, is that correct, in court?

1 A. Yes sir.

2 Q I show you a box that is marked as state exhibit three and

3 I ask if you are able to identify that sir.

4 A. Yes. That is a SBI rape kit that contains a suspect kit that
5 was submitted in this case and it has my initials on it, the
6 OCA number and the date and the time that I received it and
7 from whom it was received and I received that from the person
8 of Steve Hunt at 14:20 hours, that is 2:20 on 5-24-88 at which
9 time I sent that to the SBI lab in Raleigh for comparison
10 with the hair sample that I sent in the state exhibit one.

11 Q And during that time that you had it after receiving it from
12 Officer Hunt, until you sent it to the SBI, did you make any
13 changes in it or allow anyone else to make any changes in it
14 or the contents of the box.

15 A. No sir.

16 Q And again you handle that again when you opened the package
17 shortly after arriving here today for court this afternoon?

18 A. Yes sir.

19 Q MR. JOHNSON: Examine him.

20 CROSS BY MR. DETORRES:

21 Q Officer, when you arrived at the scene were officers there
22 securing the scene?

23 A. Sir.

24 Q When you arrived at the residence of Mrs Elliott, was there
25 an officer there securing the scene?

- 1 A Yes, Officer Blackburn was there sir.
- 2 Q Was there other officers there.
- 3 A I don't remember.
- 4 Q Do you recall seeing Mrs Elliott there.
- 5 A No, she was not there.
- 6 Q She had already left by the time you got there.
- 7 A Yes .
- 8 Q Were there any other individuals other than officers there
- 9 as you recall in the apartment when you arrived?
- 10 A Not when I arrived.
- 11 Q Do you know if any other individuals had been in there prior
- 12 to your arrival except the people you know was there.
- 13 A I was aware of the shift supervisor being there and I don't
- 14 know which one it was but one of the Sergeants had been there.
- 15 Q Did you attempt to take any prints from the suitcase that
- 16 had been on the bed.
- 17 A Nos sir.
- 18 Q Do you remember hearing the testimony from Officers that
- 19 Mrs Elliott advised them that there was a suitcase on the bed
- 20 and that the suspect threw it off of the bed?
- 21 A Yes sir.
- 22 Q Now when you said there was no identifiable prints on the
- 23 door or...the front or back door, you mean what by that.
- 24 A Some time you can pick up prints when you are processing
- 25 an area. You may find a part of a print and that is not enough

1 for identification. There is not enough detail on the print
2 to make any comparison with a known print to determine if
3 they are the same.

4 Q That...you can not match them because they are not
5 complete or not detail enough.

6 A yes and that could be due to the ridge detail is not clear
7 enough to see and it could be that it was a smug or just any
8 number of reasons for that.

9 Q Well, do you recall what they were in this particular case.
10 A I think most of those were smears and just not able to be
11 identified.

12 Q So basely did you look for prints anywhere else other than
13 on the two doors and on the fruit that you saw there.

14 A I don't recall anything else sir.

15 Q Now the prints that you obtained from the fruit, were they
16 of a nature that could be used for identification.

17 A Yes.

18 Q And you said there were two of those prints.

19 A Yes

20 Q Of value.

21 A Yes.

22 Q And was that that two separat finger prints impressions or
23 two of the same finger.

24 A Well, without looking at them I don't remember. It was two
25 separate prints and it could have been that a person put their
finger down twice and made the same print or could be two different

1 prints bu either way they were both of use in identification.

2 Q And these fruits were laying outside of the bowl on some
3 counter space or table.

4 A. ON a little kitchen table.

5 Q And these are the same fruits that the individual handled
6 when he took some of the fruits, is that correct?

7 A. That is what I understand .

8 Q You compared these with Officer Melton from the SBI, is
9 that correct?

10 A. Yes.

11 Q You comapred those to the prints that were taken from te
12 defendant, Willie James Grimes upon his arrest?

13 A. I am not sure if it was the same ones where he was arrested
14 or not but it was a set of prints that we bad on file.

15 Q And the prints did not match did they sir.

16 A. No, they did not match his prints.

17 Q Now was this information related to any other officer other
18 than Agent Melton , the fact that the prints did not match? Did
19 you tell that to any officer with the Hickory Police Department.

20 A. Yes sir.

21 Q Who did you communicate that to sir.

22 A. Investigator Hunt.

23 Q That is Investigator Hunt that is here in the courtroom?

24 A. Yes sir.

25 Q And was that about a week after this instance occurred?

- 1 A It was after Mr Grimes was arrested.
- 2 Q Now you said that you collected some hair samples from the
3 bedspread in the bedroom?
- 4 A Yes sir.
- 5 Q Did you collect any hair samples from the couch or the cover
6 that was on the couch?
- 7 A No, I did not.
- 8 Q You collect any hairs from the floor around the couch or
9 between the couch and the bedroom?
- 10 A No, those areas were examined but no hair samples were found.
- 11 Q Did you find any clothing fibers on the couch or on the bed.
- 12 A Not to my knowledge sir.
- 13 Q Did you secure any threads that were on the bed or the cover
14 that was on the couch for evidence.
- 15 A No, I did not.
- 16 Q Now you said that the cover on the bed was wrinkle on top.
- 17 A Yes.
- 18 Q Was the cover basely still on top of the bed?
- 19 A Still basely on tope of it, yes.
- 20 Q You kept the finger prints that you found on the fruit from
21 the time that you obtained the latent prints until today, is
22 that correct?
- 23 A That is right. I still have them.
- 24 Q And those were never submitted to anyone else other than perhaps
25 Officer Melton for any comparison, were they.

1 A. No one else looked at them except myself and Officer Melton.

2 Q Now when you say that the evidence was kept in the evidence
3 section or control area at the police department, what you mean
4 to say is... well, describe the area there.

5 A. The evidence was kept in a locked room on the second floor
6 of the police building. There are three floors in the building.
7 The third and second floor are the police administration
8 and the basement got a firing range and kitchen for the jail
9 and a little storage area. My office is almost beside that of
10 the Chief and going down the hall on the left which is about
11 sixteen feet by twenty four feet long and has a split door that
12 locks on the bottom and locked on the second door at the top
13 but the second door is so that you can open that and have the
14 people to stand outside of the room and still talk to them.
15 The office has large shelves in them with boxes where evidence
16 is stored by a number system.

17 Q Now you are the only evidence technician that works for the
18 Hickory Police Department.

19 A. I am the only one.

20 Q You are on duty twenty four hours a day and subject to call
21 at any hour.

22 A On duty and subject to call. I work from 6:30 to 5:00 Monday
23 thru Friday and on call after that time every day.

24 Q So in this instance you were called from your home then to come
25 to this house and not from the police department?

- 1 A. That is correct.
- 2 Q. Now you said that you obtained some of these state exhibit
3 two, the FBI rape kit from Officer Blackburn.
- 4 A. That's the victim rape kit, yes.
- 5 Q. From Officer Blackburn and the suspect kit from Officer Hunt?
- 6 A. Yes.
- 7 Q. You received the victim's kit on 12-26-87 at what time
- 8 A. Nine in the morning out of the evidence locker where it was placed.
- 9 Q. Where were the hair samples? Were they included as a part
10 of that rape kit or were they in your possession from the
11 premises on the 24th?
- 12 A. The hair samples, what I had gathered, I keep them in my
13 possession. Those things that I gathered and I kept them, I do
14 not turn them over to anyone else other than the SBI lab.
- 15 Officer Blackburn collected the rape kit and I did not go to
16 the hospital. They collected that rape kit during the examination
17 of Mrs Elliott at the hospital and brought it to the station
18 and placed it in the locker where I received it from.
- 19 Q. The locker that you speak of is a locker that only you have
20 the key to.
- 21 A. Yes sir.
- 22 Q. And that is like a locker in a locker room?
- 23 A. Something that you might find in a locker room or a school, yes.
- 24 Q. And it has openings on it.
- 25 A. It has some slots in them I believe.

1 Q So whenever you sent the hair samples and the rape kit from
2 the victim to the SFI in Raleigh, the hair samples were not
3 included inside of that box.

4 A They were not inside of it. They were inside of the package
5 but not inside of the rape kit. They were packaged separately
6 and sent to the lab.

7 Q Let me show you again what is marked as state exhibit one
8 so I am clear on this. On this side here where the information
9 you placed on there was after you collected the samples.

10 A Yes, that is my OCA number and the number assigned to the
11 case and it has the date and so forth in my handwriting on it.
12 It has a brief description of what is inside, hair sample from
13 the bed and the number that I assigned to what is in it.

14 Q Other words by number three this would be the third item
15 you picked up .

16 A Yes.

17 Q On the other side there is information that you did not place
18 on there.

19 A I did place that on there but not this part here.

20 Q That is from where.

21 A The State Bureau of Investigation.

22 Q The red markings on here are also markings you did not make
23 is that correct?

24 A I did make them. We sent the bag off and it had the red piece
25 of evidence tape and this bag was sealed the way around here.

The SFI opened it and place the tape back on it here.

1 Q Now do you recall when you received the second rape kit
2 that came into your possession?

3 A Yes, the suspect rape kit was received from Steve Hunt on
4 5-24-88 at 12:20hours which is 2:20 p.m.

5 Q And did he personally hand that to you?

6 A Yes, he did

7 Q Without it being placed in a locker?

8 A Yes.

9 Q MR. DETOPRES That is all.

10 RE-DIRECT BY MR. JOHNSON:

11 Q Mr Holsclaw, when you opened the package in which you
12 received this evidence back from the lab, did you find
13 something inside of it that had not been there when you sent
14 it to the lab?

15 A Yes sir.

16 Q I hand you what is marked as state exhibit 4 and ask if
17 you know what that is.

18 A Yes, this is a styrofoam box and I observed this box in the
19 package that was mailed back to me by the SBI and I know what
20 it is.

21 Q Did you opened that styrofoam box and examine the contents?

22 A Yes.

23 Q Would you describe what is contained in that as you observed
24 it when you opened it sir.

25 A In this white styrofoam box is the glass slides that the
agents in Raleigh placed the hairs on for observations under

1 microscope in the lab.

2 Q And you sent the hairs in and received those back in the
3 other exhibit plus these in this exhibit four and you opened
4 those here in the courtroom today.

5 A Yes.

6 Q And has any changes been made in this exhibit while it has
7 been in your custody and control?

8 A No, it has not.

9 MR. JOHNSON: That is all.

10 J. L. BLACKBURN was recalled by the state:

11 DIRECT BY MR. JOHNSON:

12 Q Officer Blackburn when you were at the hospital October 24,
13 1987, did you have the occasion to come in possession of any
14 physical exhibits sir.

15 A Yes, I did.

16 Q From whom did you receive this and what was it.

17 A On the 24th of October 1987, at 10:30 p.m., I received one
18 victim rape kit and also a bag containing clothing of the
19 victim, that is Mrs Elliott from Donna Richards, R.N.

20 Q That means nurse?

21 A Yes sir.

22 Q And what did you do with those?

23 A I took them into my possession and transported them to the
24 Hickory Police Department where after labeling them I placed
25 them into the evidence locker.

1 Q Did you make any changes in those exhibits while they were
2 in your possession before placing them in the evidence locker?

3 A No, I just labeled them and sealed them.

4 Q I hand you what is marked as state exhibit two and I ask
5 if you recognize that?

6 A Yes.

7 Q What do you recognize that as being sir.

8 A That is the victim rape kit.

9 Q The one that you have described in your testimony early here.

10 A Yes sir.

11 MR. JOHNSON: That is all.

12 CROSS BY MR. DETORRES:

13 Q Officer Elackburn, you say you recognize that as the victim
14 rape kit.

15 A Yes.

16 Q Did you place any identifying marks on that.

17 A Yes, I did.

18 Q Could you point that out to me so that I may see those.

19 A This is my handwriting here and also I placed more evidence
20 tape across the tape that was placed on at the hospital and
21 signed my signature on that in four corners and also the four
22 corners of each piece of tape.

23 Q Would you...is it correct in saying then this darker red tape
24 is that you placed on there.

25 A Yes sir.

- 1 Q. That is the one that you identified with your initials on
2 the four corners of them on both sides of that box.
- 3 A. Yes, correct.
- 4 Q. Did you place this seal there.
- 5 A. That was done by someone else.
- 6 Q. I...and you said you placed this in the evidence locker?
- 7 A. Yes sir.
- 8 Q. Is that when you received it.
- 9 A. No.
- 10 Q. Is that writing on there 10-25-67 yours?
- 11 A. No sir.
- 12 Q. And...
- 13 A. I received it at the hospital and transported it back to the
14 police station where I kept it in my possession all the time until
15 I labeled and placed it in the evidence locker in a sealed
16 condition.
- 17 Q. So this notation you placed thereafter you sealed it and
18 placed your initials on it at the police department.
- 19 A. Yes sir.
- 20 Q. And this would have been the time that you placed it in the
21 evidence locker.
- 22 A. Yes at the time I placed it in the locker.
- 23 Q. Now at the time that you received this state exhibit two,
24 the box we are referring to here, the box was sealed when you
25 received it?

1 A Yes sir, it was.

2 Q So you personally never looked inside of the box?

3 A No.

4 Q Now is the locker that you placed it in, was that locker
5 unlocked and then you locked it after you place this items
6 in there.

7 A Yes sir.

8 Q Now the clothing that you received, did you put those in
9 any kind of container between the time that you received them
10 at the hospital and when you went back to the police department?

11 A No, I left it in the original paper bag that I received them
12 in from the nurse.

13 Q All of the items of clothing was in one paper bag.

14 A Yes, that is correct.

15 Q MR DETORRES: That is all.

16 STEVE O. HUNT was called as a witness for the state, first
17 being duly sworn, testified as follows:

18 DIRECT BY MR. JOHNSON:

19 Q Tell us your name sir.

20 A Steve O Hunt.

21 Q And where are you employed?

22 A Hickory Police Department.

23 Q And in what capacity sir.

24 A Criminal investigator.

25 Q How long have you been with the Hickory Police Department?

- 1 A. Approximately thirteen years. Ten years in the crime investigatio
- 2 Q On the night of October 24, 1967, or early morning hours of
- 3 the 25th of October, did you have the occasion to go to the
- 4 residence of Carrie Lee Elliott on 8th Avenue Drive?
- 5 A. Yes sr.
- 6 Q And what time did you go there as best you recall sir.
- 7 A. Some time after 12:30.
- 8 Q Which would have been in the morning of the 25th?
- 9 A. Yes, the morning of the 25th.
- 10 Q What did you do at that location sir.
- 11 A. I just observed the outside of the apartment and the area
- 12 and there was nobody at the residence.
- 13 Q Had you been assigned to work on this case at that time?
- 14 A. Not at that time, no.
- 15 Q When you were outside of the residence, did you observe
- 16 anything outside where you were looking?
- 17 A. I looked around in the rear of the residence and that is
- 18 of the apartment number 104.
- 19 Q What, if anything, did you observe at that time sir.
- 20 A. I observed approximately two banana peelings within the line
- 21 going in a Southern direction away from the victim's apartment.
- 22 Q About how far away were they from the apartment as best you
- 23 recall sir.
- 24 A. Approximately fifty feet.
- 25

1 Q Did you inspect the area for any other areas there.

2 A No, I did not.

3 Q There after did you have the occasion to participate in the
4 arrest of Willie James Grimes?

5 A Yes sir.

6 Q What date was that as best you recall sir.

7 A That was on the 27th of October 1987.

8 Q Do you recall what clothing , if any, that Mr Grimes had
9 on and was wearing at that time.

10 A Yes.

11 Q What was he wearing?

12 A He was wearing a light color shirt with a vee neck green
13 sweater.

14 Q Did you notice whether there were any unusual features about the
15 defendant's face at that time you arrested him.

16 A I did.

17 Q What did you notice?

18 A I noticed a mole or some type of growth on the side of Mr
19 Grimes' face.

20 Q Where is that located?

21 A Left side of the face near the mouth sir.

22 Q At some later time , directing your attention to May 24, 1988,
23 did you have the occasion to be present when some specimens were
24 taken from the defendant?

25 A Yes, I was sir.

- 1 Q Where did this take place.
- 2 A Catawba Memorial Hospital in the emergency room.
- 3 Q By whom were those specimens taken.
- 4 A Taken by Doctor Sanderson....Doctor Thomas Sanderson, one
5 of the emergency room physicians.
- 6 Q Was that done in your presence?
- 7 A Yes sir.
- 8 Q What type of specimens were taken.
- 9 A There was a saliva, pubic, head hair and blood taken from
10 the defendant.
- 11 Q Was the doctor....what did the doctor do with those in your
12 presence?
- 13 A He sealed each in an envelope and placed them in the suspect
14 rape kit box.
- 15 Q What happened to that sir.
- 16 A I sealed it and turned it over to evidence technician Jack
17 Holsclaw.
- 18 Q I show you what is marked as state exhibit 3 for identification
19 and I ask if you are able to recognize that sir.
- 20 A Yes sir.
- 21 Q What do you recognize that as being.
- 22 A This is the suspect rape kit that I have testified about.
- 23 Q It has your markings on there.
- 24 A Yes sir.
- 25 Q Describe to the jury what those markings are sir.

1 A. The evidence tape that I put over the other evidence tape
2 and my initials and the number and on each side here and here.

3 Q After you received that from Doctor Sanderson and sealed it
4 did you have the occasion to reopen it at any time while it
5 was in your presence?

6 A No sir.

7 Q Did you make any changes in it or the contents while it was
8 in your presence?

9 A No sir.

10 Q Is it your understanding that the defendant voluntarily gave
11 those samples.

12 A Yes, that is correct. His attorney was present when it was
13 done, that is the procedure was conducted.

14 MR. JOHNSON: That is all.

15 CROSS BY MR. DETORRES:

16 Q Officer Hunt, were you on duty on the night of the 24th?

17 A I was....No, I was not on duty sir.

18 Q And yet you were not assigned the case and you were looking
19 at these premises?

20 A Yes sir.

21 Q Why or what was your purpose in doing that.

22 A I was working off duty employment which I had left at 1230
23 and I had received all of the radio transmission that had gone
24 out on the air and so far as a suspect and what happened and
25 I went to aid in the investigation. That was my purpose for
doing that sir.

1 Q And you arrived there and no one was there.

2 A Yes.

3 Q And yet you got out of your vehicle and proceeded to prowl
4 around the apartment and go around the back of the apartment?

5 A Yes. Well, on my way to the police headquarters, I found
6 an apple core in Center Street. I remember some radio
7 transmission about the suspect took some fruit when he left.
8 That is why I went back down to the scene to see what I could
9 see on the exterior.

10 Q You are telling me that South Center Street at 12:30 at
11 night, you saw an apple core.

12 A Yes sir.

13 Q How far is that from the apartment where you found the apple.

14 A A block.

15 Q From South Center Street.

16 A Yes.

17 Q And did you secure that apple core?

18 A I took the apple core with me to the police department, yes.

19 Q That was placed into evidence?

20 A No, it was not.

21 Q What happened to that apple core sir.

22 A Went in the trash can sir.

23 Q Was it ever examined for fingerprints?

24 A It was not.

25 Q You testified that you saw two bananas peels in the back?

- 1 A That is correct.
- 2 Q They were heading South. Were both of them together or were
3 they separate.
- 4 A They were approximately ten feet apart sir.
- 5 Q And were those banana peelings placed into evidence?
- 6 A No. I did not collect those.
- 7 Q You left them there.
- 8 A Yes.
- 9 Q Did you ever mention to the officers here about the banana
10 peelings?
- 11 A I did.
- 12 Q And were those collected then?
- 13 ANo sir.
- 14 Q And were they ever tested for finger prints.
- 15 ANo sir.
- 16 Q Even though ther e was strong evidence to show at the time
17 that whoever committed these crimes had eaten the banana and
18 thru the peel down, is that correct?
- 19 A Yes sir.
- 20 Q When was the first....when were you first made aware that
21 the fingerprints they obtained from the fruit inside of the
22 apartment did not match the prints of Mr Grimes?
- 23 A I don't remember the conversation with Mr. Holsclaw as he
24 previously testified to as far as the prints matching or not.
- 25 Q You don't remember ever hearing that until today.

1 A No, sir, that is correct.

2 Q Did you ever inquiry as to the comparison of those.

3 ANo.

4 Q Did you know there wre prints obatined at the scene?

5 A I usually ask when I am assigned a case as far as evidence
6 was colleceted.

7 Q And did you...were you aware there were some hair samples
8 collected?

9 A Yes sir.

10 Q These were collected on October 24th and yet according to your
11 testimony it was not until May 24, 1988, roughly seven months
12 later, when hair samples wereobtained fro the defendant.

13 A Yes.

14 Q Why were not hair samples taken early and compared with those
15 fond on the 24th of Ocober sir

16 A I don't know that sir.

17 Q Did you nto think this would be vital in the case to compare
18 evidence found at the scene to the suspect?

19 A At that time I felt like that I had a postive identification.

20 Q And at that tiem you didn't think comapring the fingerprints
21 found at the scene to the defendant's prints were important?

22 A Well, as I told you early, I don't remember the conversation
23 that MR. Holsclaw testified about concerning the latent prints
24 that he found.

25 Q You said that the defendant voluntarily gave the samples taken
from him, the blood and hair samples?

- 1 A That was my understanding per the district attorney's office.
- 2 Q Was it more than just a voluntary act but in fact the defendant
- 3 made a motion to have that done, did he not.
- 4 A I don't know that.
- 5 Q When the samples were obtained at the hospital, do you recall
- 6 approximately what time that procedure terminated.
- 7 A Yes.
- 8 Q What time was that.
- 9 A The procedure was concluded at 11:07 a.m.
- 10 Q And do you recall Officer Holsclaw testimony that the kit
- 11 was turned over to him at 2:20 that afternoon?
- 12 A Yes sir.
- 13 Q And during that time where was that box sir
- 14 A Secured in my desk locked up.
- 15 Q Now your desk at the Hickory Police Department, is that an
- 16 open office without doors.
- 17 A yes.
- 18 Q And why was it not placed in the locked evidence locker sir.
- 19 A Well, I had then this one case that I was working on and when
- 20 the time presented itself I turned it over to Mr Holsclaw in
- 21 person rather than placing it in the evidence locker.
- 22 Q Now you said that when Mr Grimes was arrested that he was
- 23 wearing a light color shirt and a vee neck sweater?
- 24 A Yes.
- 25 Q Where is that clothing now sir.
- A I have no idea sir.

- 1 Q When someone is arrested they allowed to keep their clothing?
- 2 A It is turned into the jailor.
- 3 Q Were you the person that arrested the defendant?
- 4 A Yes sir.
- 5 Q And did you get some information from hi as regard to that
- 6 arrest
- 7 A Personal information from him, yes.
- 8 Q Do you have a copy with you of that information that you
- 9 obtained from him and filled out the papers with.
- 10 A I am sure that I do just a matter of finding it.
- 11 Q If I could look at the copy you have just a second to make
- 12 sure it is the same item that I have. Now the sheet you have
- 13 there, is that the information that you obtained upon the
- 14 initial arrest and return back to the department after MR. Grimes
- 15 and you went back to the police department.
- 16 A What do you mean?
- 17 Q Was this filled out at the police department?
- 18 A Yes sir.
- 19 Q Was Mr Grimes under arrest at the Hickory Police Department.
- 20 A Yes sir.
- 21 Q Did he come in by himself.
- 22 A Right.
- 23 Q Who contacted him to come to the police department?
- 24 A Mr Grimes was informed by me. I went to see him and he heard
- 25 I wanted to see him and he come to see what it was about.

- 1 Q He came voluntarily to the police department?
- 2 A Yes sir.
- 3 Q Now does that indicate a weight for the defendant?
- 4 A Yes, 165.
- 5 Q And under scars or marks what is indicated on that form.
- 6 A Neck cut, finger right hand two and three.
- 7 Q Can you tell us what that means.
- 8 A Either that the fingers were missing or they were cut at
- 9 the time.
- 10 Q Do you remember observing Mr. Grimes hands and seeing that
- 11 he had a full joint of his index finger on the right hand
- 12 missing and the end of the middle finger missing on the right
- 13 hand.
- 14 A Yes.
- 15 Q Is that noticeable.
- 16 A It is.
- 17 Q And did you remember seeing it at that time .
- 18 A Yes
- 19 Q Do you remember the scar that he had on his neck, the large
- 20 scar there and the one in the center of his chest?
- 21 A I don't remember seeing it.
- 22 Q You indicated that was a cut on his neck.
- 23 A Yes.
- 24 Q Did you notice any scars on the face?
- 25 A No sir.

1 Q Now he, MR Grimes, was fingerprinted and booked?

2 A Yes.

3 Q And he did not give you any trouble.

4 A No sir.

5 Q Who was the officer that was in charge of the investigation
6 before you were assigned the case?

7 A Sergeant Bryant. He was involved in the case during the
8 investigation.

9 Q And when were you officially assigned to the investigation?

10 A Probably after the 24th of October.

11 Q So would be fair to say that was on the 26th.

12 A Yes.

13 Q Saturday being the 24th, and Sunday the 25th and Monday the
14 26th.

15 A Yes. It may be some time later but I am not sure of the
16 date I got the case sir.

17 Q But Mr Grimes was arrested on the 27th.

18 A Yes.

19 Q Which would have been Tuesday.

20 A Yes.

21 Q At the time you were involved in the investigation?

22 A At that time I had the case assigned to me, yes.

23 MR. DETORRES: That is all.

24 RE-DIRECT BY MR. JOHNSON:

25 Q As to the information on the form that Mr Detorres asked

1 you about, did you measure the defendant or have him step on
2 a scale.

3 A I didnot sir.

4 Q You got that information according to what he told you.

5 A Yes, standard procedure sir.

6 Q How tall did he tell you that he was.

7 A Six two.

8 Q Did that appear to be about correct as best you could
9 observe him.

10 A Yes.

11 Q as to his weight, did that of 165 appear to be correct as
12 far as your observations of him at the time.

13 AAas best that I can recall yes or I would have questioned him
14 about that.

15 Q As to the scar that you noted on the neck. Do you recall
16 if that was a fresh or an old scar.

17 A I don't sir. It was obvious a scar but I don't know the time
18 of it. It did not appear to be new.

19 MR. JOHNSON: That is all.

20 (Counsel went up to the bench and returned to their seats.)

21 COURT: Members of the Jury, we will take a recess
22 now until 9:30 in the morning. Again I instruct you do not talk
23 about this case nor allow anyone to talk with you about it. Do
24 not form nor express any opinion about it in any way. Do not make
25 up your minds abot it. Keep your mind open until you have heard

1 the entire case. Do not read, listen to nor watch any news
2 account of this matter if there should be any.. You may go
3 now and come back at 9:30 in the morning.

4 (The jury left and the court recess ed at 4:23 pm)
5 July 7, 1988: Morning session of the court:

6 (The jury is in the jury room at this time.)

7 (The jury came into open court.)

8 BERT CRANE was called as a witness for the state, first
9 being duly sworn, testified as follows:

10 DIRECT BY MR. JOHNSON:

11 Q Would you tell us your name sir.

12 A Bert Crane.

13 Q And were...where are you employed?

14 A I am a physician at the Catawba Memorial Hospital.

15 Q How long have you been so employed sir.

16 A Nine years.

17 Q What degrees do you hold sir.

18 A M.D.

19 Q From what university.

20 A State of University of New York, UpState Medical Center and
21 surgery.

22 Q Are you licensed to practice medicine in the State of North Carolina?

23 A Yes sir.

24 A Directing your attention to the night of October 24, 1987,

25 and into the morning of the 25th of October, 1987, did you have
the occasion to see Carrie Lee Elliott that night?

1 A Yes sir.

2 Q And this was as a patient at the emergency room at the
3 Catawba Memorial Hospital

4 A Yes that is correct.

5 Q Do you recall what time it was that you first saw Mrs Elliott?

6 A Mrs Elliott checked into the emergency room at 21:51. She would
7 have been seen probably within half an hour.

8 Q And by that time, do you mean before ten at night time?

9 A Yes.

10 Q When you saw Mrs Elliott, did she give you a background history
11 of what the complaints were that she was having and why she
12 was there?

13 A Yes.

14 Q What did she say in that regard?

15 A Reading from the medical record, the patient stated she was
16 raped that night after a black man forcibly entered her house
17 and that she had bruises all over and headaches. That was the
18 extent of the conversation that I recorded in the record and
19 I frankly do not remember any more details than that of the
20 interview.

21 Q You went on to conduct an examination of her is that correct?

22 A Yes that is correct.

23 Q What type of examination did you conduct sir.

24 A Well, I did a fairly complete examination from head to toe
25 and she was complaining of headache and pain in her shoulders
and she said she had been bruised all over and so I did a head

1 to toe examination and further interview wa that she was not
2 beaten in the head but that her head was just forced back or
3 extended. She did not complain of any neck pain. There was
4 no tenderness in her neck. She had brusies on her arms and her
5 left shoulder and there was no bony tenderness in the chest.
6 I did a pelvis examination and she had a lacertaion of the posterior
7 vaginal fourchette which simply is the posterior border of the
8 vagina and there was a split extending alittle less than an inch
9 posteriorly but the rest of the examine was normal.

10 Q And by lacertaion you mean a cut or tear.

11 A Yes sir.

12 Q Did that appear to be a fresh wound to you sir.

13 A Within several hours, yes.

14 Q Did you make any type of microscopic examination to determine
15 if there were any spermatozoa present.

16 A We do what is a rountine rape examination and that ivolves
17 collecting sperm samples.

18 Q Did you do that and the check for that in the kit.

19 A Yes.

20 Q What else did you collect in the kit sir.

21 A We collected speciumum of the patient's hair, the patient's
22 pubic hair combings and those speciumums arecollected and we
23 do a routine culture of the cervix of the womb to see if there
24 is any infection and we collect secretions from the vagina.

25 Q Do you use swaps for that purpose.

1 A Yes sir.

2 Q And these are then packaged into some fashion and placed in
3 what is called the rape kit, is that correct?

4 A That is correct and sealed and given to the police officer.

5 Q And did you seal that package yourself that night doctor.

6 A I or the nurse that was working with me did sir.

7 Q What would be done under your supervision and in your presence?

8 A Yes sir.

9 Q Did you retain Mrs Elliott at the hospital or release her
10 after you examined and treated her.

11 A No she was released.

12 Q Based upon your training as an emergency room physician and
13 your examination of Mrs Elliott, were you able to form an opinion
14 as to whether the observations that you observed in her and
15 about that from your examination were consistent with the history
16 that she related to you.

17 A Repeat that.

18 Q Are you able to form an opinion based upon your training as
19 an emergency room doctor and your examination of Mrs Elliott, as
20 to whether the things that you observed in making your
21 examinations were consistent with the history that Mrs Elliott
22 gave you as to what happened to her that night?

23 A Yes, they were consistent.

24 MR. JOHNSON: That is all

25 MR. DETORRES: I do not have any questions

1 MR. JOHNSON: One moment doctor.

2 DIRECT CONTINUED BY MR. JOHNSON:

3 Q I hand you what is marked as state exhibit two and I ask
4 if you are able to reocngize that doctor.

5 A Yes, that is the standard rape kit.

6 Q Does that have your name or signature on there some place.

7 A It has Doonna Richards one of the emergency room nurse's
8 name there on and she signed my name.

9 Q Do you recognize that as the rape kit that you describe
10 in your testimony relating to Mrs Elliott.

11 A Yes sir.

12 MR. JOHNSON: That is all.

13 MR. DETORRES: No questions.

14 (The court and all the counsel for both side left
15 the courtroom and then came back in open court.)

16 COURT: Members of the Jury, a questio of law has come
17 up that I must rule upon and there is no sense in your sitting
18 here and you can not and so youmay be excused from the courtroom
19 and do not desicuss this matter while you are out of the
20 courtroom. I will send for you as soonas we can be ready to
21 proceed. (The jury left the courtroom at this time.) (While the
22 jury was out no events transpired in open court.) (The jury came
23 back in open court.)

24 MR. JOHNSON: Your Honor, the next matter by way of
25 evidence is a stipulation which is marked as state exhibit five
between the state and the defenant and it is reduced to writing

1 and is signed by myself for the state, and by the defendant
2 and his counsel also and I would like at this time to read
3 that stipulation to the jury.

4 COURT: You may do so.

5 (At this time Johnson read the state exhibit five,
6 the stipulation, to the jury.)

7 COURT: Let the state exhibit five be received into
8 evidence as time.

9 TROY HAMLIN was called as a witness for the state, first being
10 duly sworn, testified as follows:

11 DIRECT BY MR. JOHNSON:

12 Q Tell us your name.

13 A Troy Hamlin.

14 Q And where are you employed sir.

15 A I am employed as a Special Agent with the North Carolina
16 State Bureau of Investigation. I am assigned to the forensic
17 chemist in the laboratory and specialize in trace evidence.

18 Q What are your duties as a forensic chemist specializing in
19 trace evidence.

20 A I specialize in the area of hair examination; glass examination
21 and also physical comparisons.

22 Q What education, training and experience do you have that
23 qualifies you to hold that position sir.

24 A I graduated from the University of Central Florida with a
25 BS degree and minor in chemistry. Prior to graduating from the

1 University of Central Florida I was required to complete six
2 months internship program. This program was completed at the
3 Charlotte Police Department crim labatory. I begin my employment
4 with the bureau in June of 1981 and remained employed by the
5 bureau untl January of 1983 at which time I assumed a similiar
6 position with the Florida Department of Law Enforcement in
7 Orlanda, Florida. I remained with the Florida Department of
8 Law Enforcement until December of 1984 at which time I returned
9 to the bureau and in regard to specail training in hair
10 identification, while at the University of Central Florida
11 I completed classes that dealt with the examination and comparison
12 of evidence and among those items were hairs. I also received
13 training in hair examination at the Charlotte Police Department
14 crime lab and I completed a class in advance forensic principles
15 that dealt further with the examination and comparison of hair
16 and upon beginning my employed with the bureau, I received
17 a one year training program that dealt exclusively with the
18 examination and comparison of hair and after taking several
19 written and oral examination and practical examinations were
20 in the department, I was allowed to assume a case load in that
21 area.

22 Q How long have you worked an active case load in hair examination
23 and comparisons.

24 A Approximately seven years.

25 Q How much of your actual work time would be devoted to that.

- 1 A. Approximately 80 percent.
- 2 Q. Are you able to tell us in the course of your years of making
3 these analysis of hair, approximately how many comparisons
4 that you have made sir.
- 5 A. Several thousands of them sir.
- 6 MR. JOHNSON: I tender Mr. Hamlin to the court as
7 an expert in the field of forensic hair analysis and comparison
8 and identification.
- 9 COURT: Any questions Mr. Detorres?
- 10 MR. DETORRES: No sir.
- 11 COURT: Let him be so received.
- 12 Q. I show you what is marked for identification as state exhibit
13 one and ask if you recognize that as something you have handle
14 before sir.
- 15 A. Yes, I do.
- 16 Q. By what means do you recognize that sir.
- 17 A. It has the Raleigh crime lab number assigned with this case
18 and also has item number assigned with this particular item
19 and also contains my initials.
- 20 Q. When did you first handle that exhibit sir.
- 21 A. I received this item of evidence on May 27, 1988.
- 22 Q. And by what means did you receive that sir.
- 23 A. It was received in the laboratory thru priority mail sir.
- 24 Q. When you first handled that exhibit what condition was it in sir.
- 25 A. It was completely sealed sir.

- 1 Q Were there any items inside of that envelope at that time sir.
- 2 A Yes, there were several hairs in it sir.
- 3 Q What did you do with the exhibit one when it came into your
4 possession?
- 5 A I removed the hairs from this plastic bag and mounted them
6 on microscope slides
- 7 Q You see the tape on the side of the bag, do you know how that
8 got here.
- 9 A Yes, that is my seal.
- 10 Q You placed that there after you had opened the package?
- 11 A Yes sir.
- 12 Q I show you what is marked as state exhibit two for
13 identification and ask if you are able to identify that.
- 14 A Yes.
- 15 Q How do you recognize that sir.
- 16 A Also has the Raleigh crime lab number and my initials on it.
- 17 Q And when did you receive that exhibit sir.
- 18 A Also May 27, 1988.
- 19 Q By what means sir.
- 20 A Thru the mail sir.
- 21 Q At the time that you received that, did you open that package
- 22 A Yes, I did.
- 23 Q And what did you find inside of that exhibit sir.
- 24 A There were several envelopes in this item.
- 25 Q In particular were there any hair specimens that were contained
therein?

- 1 A Yes sir.
- 2 Q How wer they packaged as best you recall sir.
- 3 A The hairs were packed in an envelope.
- 4 Q Separate from each other.
- 5 A Yes sir.
- 6 Q What condition were those envelopes in when you received them.
- 7 A They were sealed.
- 8 Q Was the seal intact?
- 9 A Yes sir.
- 10 Q What did you do with the hairs that was contained in there sir.
- 11 A They were head hairs and pubic hairs of the victim. Those
12 were not mounted. Also there wre the pubic hair combings from
13 the victim.
- 14 Q What did you do with that.
- 15 A I examined it for the prsence of negro hair. That is hair from
16 an individual of te black race.
- 17 Q You mounted those on some slide to do that.
- 18 A No, that contained....that item contained no negro hair .
- 19 Q That was not mounted?
- 20 ANo.
- 21 Q I show you what is marked for identification as state exhibit
22 three and I ask if you recognize that as something you handle befor
- 23 A Yes sir.
- 24 Q How do you recognize that sir.
- 25 A It has my initials on this particular item also.

- 1 Q Do you have the Raleigh lab number on that.
- 2 A I don't see it but it has my initials on it.
- 3 Q And are you able to tell us when you first saw that exhibit.
- 4 A Yes, I examined this on....I received this on May 28 of 1988.
- 5 Q By what means.
- 6 A Via the priority mail.
- 7 Q What did you do with that exhibit when you received that sir.
- 8 A I opened it up and it was in a sealed condition. I opened it
- 9 up and removed the various items from this box.
- 10 Q What items did you find contained in ther sir.
- 11 A There was the head hair of Willie James Grimes, pubic hair
- 12 of Mr Grimes and hair combings from Willie Grimes.
- 13 Q What did you do, if anything, with those items sir.
- 14 A I mounted the head hair from Willie Grimes and also mounted
- 15 the pubic hair from Willie Grimes.
- 16 Q I show you what is marked as state exhibit four and I ask
- 17 if you recognize that sir.
- 18 A Yes sir.
- 19 Q By what means do you recognize that sir.
- 20 A It has the Raleigh lab number on it and my initials.
- 21 Q And would you explain to the jury what state exhibit four is.
- 22 A State exhibit four is a styrofoam container which contains
- 23 the slides with the various hairs that I removed from the exhibits
- 24 and mounted thereon so that I could examine and compare them
- 25 under the microscope. This box contained the slides with the hairs
mounted thereon

1 Q And from the mountings that you made you did conduct some
2 examination of the hairs

3 A Yes sir.

4 Q After you conducted your examination what did you do with the
5 exhibits 1, 2, 3 and 4 sir.

6 A I sealed them and mailed them back on June 30, 1988 to
7 Officer Holsclaw.

8 Q What type of information are you able to determine by
9 the hairs that you examined and analyzed.

10 A In the crime laboratory we examine hairs under a microscope
11 which enlarges the hairs. If you would imagine this pencil
12 representing a hair as you view it under a microscope. The
13 erasure end of the pencil representing the root; the length
14 of the pencil representing the shaft of the hair and the tip
15 of the pencil representing the end of the hair. There are
16 certain characteristics associated with hair that will vary
17 from individual to individual which are useful to use as
18 forensic tools. On the outside of the pencil which is represented
19 by the paint, the painted portion of the pencil in the hair
20 is called the cuticle. This cuticle consist of scales just as
21 the scales on fish and snake. These scales will vary from
22 individual to individuals. For example how much damage is
23 associated with the cuticle and also how close or how far apart
24 the scales are on the shaft of the hair. This will vary from
25 person to person. Moving towards the center of the hair on

1 the pencil, which is represented by the wooden part of the
2 pencil, in the hair this is called the cortex. In the cortex
3 exist the pigment particles. These pigment particles have
4 different shape, different sizes and diferent clors and
5 different patterns just as the wood grain from a pine will
6 different from the wood grain from an oak so will the pigment
7 patterns vary from individual to individual in the population.
8 In the center of the hair on the pencil represented by the
9 lead portion, in the hair that is called the medulla. It
10 can be of different sizes and shape and run all the way thru
11 the center of the hair as the lead does here on the pencil or
12 it be absence all togehter or it could be varied in palces
13 and present and not present in other places. These are some
14 of the characteristics that we look for when we examine the
15 hair under the microscope.

16 Q And each of those characteristics that you described is
17 something that you can detect under a microscope .

18 A Yes, you can note those, that is correct.

19 Q Are you also able to tell such characteristics as to the
20 race of the person that contributed that particular hair that
21 you examined.

22 A Yes, you can determine whether or not it is a hair originating
23 from the negro individual, that is a member so the black race.
24 Yo can determine whether or not it is a hair from a while person
25 or a member of the caucasian race or white race. You can

1 also determine if they are a member of the American Indian
2 or Mongoloid race.

3 Q From your examination and analysis are you able to tell
4 the sex the person that contributed a particular hair?

5 A No, you can not.

6 Q Able to tell the age of the person that contributed the hair.

7 A No sir.

8 Q Is it common in your experience sir to find hair of the
9 same characteristics contributed by more than one individual.

10 A No, it is rare that you could or would see two individuals
11 in the general population whose hair is the same or has the
12 same microscopic characteristics. As part of my testing, I
13 was given one hundred questioned samples of a hair from one
14 hundred individual and I successfully matched those one hundred
15 hairs back to the one hundred individuals.

16 Q What power of magnification do you use on this microscope
17 when you are comparing these hairs.

18 A It varies....varies. Anywhere from 60X to around 150 times
19 in the range that I normally use.

20 Q And is that what is commonly called a comparison microscope.

21 A Yes that is an instrument that we have in the lab that allows
22 you to take the questioned hair mounted on a slide and then
23 take the known standard hair mounted on a slide and place them
24 side by side under the microscope and compare them. What the
25 scope allows you to do is to get them side by side and have
that view of the two hairs. That is the questioned and the

1 known hair under the same lighting and under the same
2 magnification so that you can compare and contrast the
3 characteristics that were associated with the cortex, the
4 cuticle and the medulla in order to determine if they are
5 consistent with one another or different.

6 Q Is that the type of microscope that you used in conducting
7 your examination of these hairs in this case.

8 A Yes sir.

9 Q In your examination of the hair on the slide that you have
10 mounted from these exhibits that you have shown us here
11 in court, what results, if any, did you obtain as a result of
12 your examination.

13 A I removed off state exhibit one, that being the hair removed
14 from the bed of Carrie Lee Elliott, approximately eight negro
15 hairs. Now seven of these hairs were hair fragments. That is
16 small pieces of hair and they were not suitable for me to
17 compare. One of these hairs was a negro head hair. This hair
18 was compared to the head hair of Willie James Grimes and was
19 found to be microscopically consistent and accordingly this
20 hair could have originated from Mr Grimes.

21 Q In the course of your making your examination of that head
22 hair, were....that is with the known head hair of Mr. Grimes,
23 did you observe any inconsistencies between them?

24 A No sir.

25 Q If you had observed any inconsistencies what would you have
done or what opinion would you have reached then sir.

1 A That that hair would have not originated from Willie Grimes.

2 Q When you say could have originated from Willie Grimes, can
3 you elaborate on what you mean by that sir.

4 A Yes. That it did in fact originate from Willie Grimes or if
5 it did not originate from from him it would have origiated
6 from an individual of the same race whose hair had the same
7 microscopic characteristics as that hair found in the bed of
8 Mrs Elliott.

9 Q MR. JOHNSON: That is all.

10 CROSS BY MR. DETORRES:

11 Q Mr Hamline, did you check the pubic hair combings that was
12 submitted to you from the victim?

13 A Yes sir.

14 Q Did you find any negro hairs in those hair combings ?

15 A No I did not.

16 Q And did you check any of the clothing for hairs.

17 A Yes, I did.

18 Q And did you find any negro hairs in those clothing?

19 A Yes, I did.

20 Q And were those compared with the known sample of the defendant?

21 A No sir. On the nightgown of the victim I found five negro hairs.

22 Those hairs were also hair fragements and were to limited for
23 a comparison.

24 Q When you say hair fragements to limited., what do you mean
25 by that.

1 A A hair fragment is a small piece of hair and is too short
2 to compare back to the head hair standard.

3 Q Would you not be able to still examine the cuticle and
4 cortex and determine its origin.

5 A You can but you can not draw any conclusions due to the
6 limited amount of hair you have to examine sir.

7 Q Now talking about the cuticle of the hair, you said there
8 are scales and certain damage to the hair, is that correct.

9 A Yes.

10 Q And the scales are close together or far apart on the hair.

11 A Yes, that is true.

12 Q Are those scales consistent through out the entire head of
13 hair.

14 A Pretty much so, yes, as to how far apart they are on the
15 shaft of the hair.

16 Q The damage will correct itself during a period of time will
17 it not sir

18 A It will change over a period of time.

19 Q How would you characterize the one hair that was found
20 on the bed that you examined as to how many scales it had
21 and the characteristics of that hair.

22 A There are probably several thousand scales on the hair. You
23 don't count the number of scales. They are small. We just note
24 the thickness and the damage and how close or how far apart
25 they are on the side by side comparison of the unknown hair
and the standard known head hair of the suspect or the victim.

- 1 Q You don't actually count and check to see how many there are
2 but you do an inspection to see if they look the same?
- 3 A Yes. This is a side by side comparison and that is why you
4 do it that way. We are seeing two hairs beside each other and
5 viewing them at the same time and determining whether or not
6 the scales and the cortex and medulla are the same.
- 7 Q The scales on the hair, do they vary according to where
8 on the hair they are located in size and frequencies or spacing.
- 9 A They could. Usually you see hair is a little more damaged
10 towards the tip end of the hair due to the fact that it is
11 used so much as opposed to the root of the hair, however, there
12 is always the consistency between the questioned hair and the
13 known standard.
- 14 Q Now the cortex you talk about having the pigment particles
15 in it of different shape and color and pattern. How many different
16 shades and color do you see in hair.
- 17 A It can vary anywhere from red brown, blonde to black and
18 any shade in between.
- 19 Q In a negro hair, would it be fair to say you normally see
20 black.
- 21 A No. If you look at a black person hair externally it may
22 look black but if you look at the pigments there are various
23 colors associated with the color you see. Under the microscope
24 you would see red, black, brown and gray and various colors
25 associated with the black individual.

- 1 Q How do these pigments lay in the cortex of the hair? Is
2 there one color and then another or are they individuals.
- 3 A Just small particles, thousand and thousands of them in
4 a given hair causing the color and they have different
5 patterns and different distributions within the hair. An
6 example is that some people appear to have a streak in their
7 hair and another may have a grainy appearance and that is
8 caused the pigment in the hair is different and it will vary
9 from individual to individual.
- 10 Q And what was te pattern that you found in the hair that
11 you examined from the bed.
- 12 A This particular pattern I characteristicize as streaking.
- 13 Q What are the characteristics that you look for in a negro
14 hair.
- 15 A The most distinguishing character is the viewing of the
16 cross section shape of the hair. In the American Indian they
17 will have very thick diameter hair and is very pronounced
18 in its shape and size. An individual of the white race has
19 hair that is oval shape and is thin and somewhat smaller.
- 20 A black individual is ribbon shaped, very thin, almost flat.
21 They have a little larger pigment particles than one from the
22 white race.
- 23 Q In order to determine the race from which th hair came you
24 look at the cross section.
- 25 A You can see the cross section shape of it and the internal

- 1 characteristics you can see under the microscope.
- 2 Q You don't look at that side view from the microscope.
- 3 A Well, usually on the side and then flat and you can see
- 4 the section shape of it then
- 5 Q Now the seven hair fragments from the bed were they put
- 6 on a slide or what happened to them.
- 7 A They were put on slides.
- 8 Q And the one complete or suitable hair that you found was
- 9 also placed on a slide.
- 10 A Yes.
- 11 Q And is that one hair on a separate slide in this box.
- 12 A I have no idea sir.
- 13 Q Let me hand you what is marked as state exhibit one and
- 14 ask you where are your initials on this.
- 15 A Right here, there and there.
- 16 Q And those are over the tape that you placed on the seal.
- 17 A Yes sir.
- 18 Q I notice this still has some hair inside of it.
- 19 A Yes, they are hairs of the white race.
- 20 Q So that would come from you, is that what you are saying.
- 21 A No, those are hairs removed from the bed that was not examined
- 22 due to the fact that they were not negro hairs.
- 23 Q And you could tell that without inspecting them.
- 24 A I did examine them. I did view them sir.
- 25 Q You looked at them without a microscope and you placed them

1 them back in the package here .

2 A I looked at them visually on on sheet of paper and removed
3 the negro hairs and placed the remainder back in the package.

4 Q You could look at a ahir then without the use of the
5 microscope and tell it was a negro hair.

6 A Yes sir.

7 Q Let me hand you what is marked as state exhibit four and
8 ask if those ar the slides that you prepared.

9 A Yes sir.

10 Q What is the number on the top of thebox.

11 A 15364.

12 Q And that related back to the file number concerning this case.

13 A Yes.

14 Q And you placed the seal on this after your examination was
15 completed.

16 A Yes.

17 Q When did you examine these hairs that were submitted to you.

18 A June 28th.

19 Q And that was submitted on the May 27th.

20 A Yes, thatis correct.

21 Q And where were they between that time.

22 A In my evidence locker.

23 Q What type of locker is your evidence locker sir.

24 A Just a metal locker in my room at my office work area.

25 QAnd are there other items of evidence in that locker?

A Yes all of them are in individual packages and we take only

1 case package out at a time to work on. We get various pices
2 of evidence and they are kept in the evidence locker .

3 Q Now this one hair that you compared to the hair of Willie
4 Grimes. You cannot state with certainty that that hair belonged
5 to Willie Grimes can you.

6 A It was consistent with his hair. Hair is very specific to
7 one individual. You can not say to the exclusion of all other
8 individuals that the particular hair came from one individual
9 but as I said before in seven years of doing hair examination,
10 it is rare that I see two individuals in the general population
11 whose hair is the same under the microscope and has the
12 same characteristics.

13 Q But it does happen.

14 A It does happen and that is why we make the statement that
15 we do in our report.

16 Q Inthe report thatyou submitted to the D. A. office,
17 you say the hair could have originated .

18 A That is the standard statement used in all examination sir.

19 Q Let me show you state exhibit three, this suspect kit. Are
20 they your marks there.

21 A No, this is mine over here.

22 Q That would indicate your markings under the tape.

23 A I believe on top of it.

24 Q So you sealed this back up with the two pieces of scotch tape.

25 A Yes, that is my seal sir.

1 Q The other seal on here was done by somebody else.

2 A Yes.

3 Q Now did you seal any of the contents?

4 A Yes. After my examination each one was sealed.

5 Q And those are inside of this.

6 A Yes.

7 Q And would they be initialed by you as well.

8 A Yes sir.

9 Q Now the hair sample that was submitted in the kit came
10 to you, is that correct?

11 A That is correct and they are marked as head, pubic and
12 hair combings.

13 Q And did you take all of the hair out of the envelope.

14 A The head hair from Willie Grimes consisting of approximately
15 one hundred and I mounted approximately sixty of them.

16 Q So there are still about forty hairs in here.

17 A Yes.

18 Q And the pubic hairs.

19 A Approximately 75 of those and thirty five were mounted.

20 Q How was this envelope sealed when you got it.

21 A There is a gum flap and it was sealed in this manner.

22 Q Was there any tape or signature over the gum flap.

23 A I don't recall that sir.

24 Q So you are saying that the basically the envelope was glued
25 shut when you got it.

A Yes that it was and the flap was intact sir.

1 Q Are you familiar with DNA typing of hair.

2 A Yes sir.

3 Q Is that type of testing done by the SBI.

4 A No, not presently it is not.

5 Q Are there private labs that are doing that type of work.

6 A On a limited basis. There are two major labs that are right
7 now performing that DNA examination of hair.

8 Q And DNA is the genetic structure found in hair of a person.

9 A That is the idea behind it. There has been a lot of work
10 done in the DNA area with blood and semen and as far as hair
11 examination is concerned that is a relative new area and we
12 are not exactly certain what the admission of DNA in hair
13 is at this time. There are some individuals in Florida that
14 I am working with and they are doing work in that area but
15 one of the problems in it is that you need a hair with a
16 root and sheath on it. You can not do that type of examination
17 off of a piece of hair or the shaft. We are just discovering
18 and testing different hair and material matter connected to the
19 hair at this time.

20 Q Is not DNA typing pretty much a method of identifying
21 an individual one to thirty million.

22 A Yes it is a very accurate up to excluding one in the world,
23 however, there is only a couple of cases that have been involved
24 with DNA and those have been on blood or semen. To my knowledge
25 none have been tried involving a hair identification.

1 MR. DETORRES: That is all.

2 RE-DIRECT BY MR. JOHNSON:

3 Q Do I understand correctly Mr. Hamlin, that the DNA examination
4 is not yet or has not yet achieved the status of reliability
5 that you feel comfortable with in using in the lab.

6 A Notwith hair examination. we still don't know whether or
7 not it will work under various conditions as far as hair
8 is concerned. Like I said most of the testing is done on
9 DNA in blood and semne and hopefully in the future it will
10 be in the hair identification also.

11 Q And you are fimiliar with the SBI Labatory pölicy concerning
12 the handling of exhibits that were submitted for examination.

13 A Yes sir.

14 Q If a kit is submitted to a person that contains items that
15 he does not examine, what is the SBI policy concerning whether
16 ornot the items are not examined.

17 AThey are not opened. Other words if I received evieence that
18 involves hair and another section of the lab isinvolved where
19 I do not peroform my work, I will not do anything to those
20 particular items and I will leave them in the sealed condition.

21 Q Do you know D. J. Spittle.

22 A Yes sir.

23 Q Does he do hair examination.

24 A No sir.

25 MR. JOHNSON: That is all.

1 COURT: You may step down.

2 JUROR: May I ask a question, your Honor.

3 COURT: Yes?

4 JUROR: May I ask for an explanation for DNA. I

5 am not sure that I understand what that refers to.

6 COURT: Any objection.

7 MR. DETORRES: NO sir.

8 MR. JOHNSON: None, your Honor.

9 COURT: Mr. Witness, tell us what DNA is.

10 A. DNA is the make up of the cells in your body much like

11 building blocks. Every person in the world has a different

12 DNA structure and that is why we all look different. DNA

13 tells us what kind of hair we will have, the color if it,

14 the nose and shape of it, what kind of body we will have.

15 You inherit those from your mother and father or parents

16 and what is being done with the DNA now is that they are taking

17 them and reading them to see what kind of sequent is involved

18 and this will be different from person to person and thus you

19 can identify a person by the DNA composition.

20 JUROR: Thank you. I wanted to be sure that I understood.

21 MR. JOHNSON: At this time the state will offer into

22 evidence state exhibit one, state two and three and number four.

23 COURT: You care to be heard.

24 MR. DETORRES: Yes sir.

25 COURT: Members of the Jury, step to the jury room

1 for a few minutes. Do not discuss this matter while you are
2 there. (The jury left the courtroom at this time.)

3 COURT: All right, Mr. Detorres.

4 MR. DETORRES: As to state exhibit two, which is
5 the rape kit from the victim, the defendant objects to that
6 for that the materials therein was sealed and the box was
7 sealed by a nurse and we have no evidence from the nurse
8 or from the doctor to indicate that the nurse obtained the
9 samples and sealed it as such and the chain of evidence is
10 not complete as to that item. There is no evidence that the
11 items were collected by the doctor who testified and placed
12 in the box and sealed but he admitted that the nurse signed
13 his name to the label. Also that the exhibit displays and
14 has no value in this case as that the hair that was compared
15 was not contained in the kit but was in a separate container.
16 I argue to the court that the chain of evidence is not complete
17 but it has no value in this case at all and may in fact tend
18 to mislead the jury in their deliberations of this case. As
19 to state exhibit three, that is the box, the rape kit of
20 the suspect, we again say there is not a complete chain of
21 evidence and I argue to the court that it is not complete for
22 the only evidence is that the gum label was placed on
23 the envelope and there is no evidence or any other method to
24 show if that has been tampered with or not. As to the introduction
25 of state exhibit four I don't see the need to introduce the
slides and that may tend to only confuse the jury as to the

1 fact there are a number of slides in there that ha been
2 testified about.

3 MR. JOHNSON: As to the exhibit three, my recollection
4 is that Officer Hunt said the samples of ahir were taken from
5 the defendant in the presence of Mr. Hunt and his attorney
6 and they were sealed in the kit and that he turned that over
7 in person to Mr. Holscalw and that Mr. Holscalw said thathe
8 made no changes in it and sent it directly to the lab. I
9 fail to see how that is a incomplete chain og evidence at
10 all. As to number two, the eivence before you is that was
11 collected from the victim by the doctor and that the nurse
12 sealed the package there in the presence of the doctor and
13 the nurse turned it over to Officer Blackburn who in turn placed
14 itin the eviencce locker at some later date and that Mr. Holscalw
15 turned it over to the lab or mailed it to the lab.

16 COURT: The objection is overruled as to the state
17 exhibits as offered at this time. Let state exhibits 1, 2,3
18 and four be admitted and of course number five by the stipulation.

19 MR. JOHNSON: Upon the admissio of those exhibits
20 the state will rest.

21 COURT: We will do that in front of the jury. IN
22 the interest of time, Mr Detorres, will the defendant present
23 any evidence.

24 MR. DETORRES: I have several motions at the end
25 of the state's evidence and based on those, I would expect that
we will offer evidence or rest.

1 COURT: Bring the jury back in. (The jury came back
2 in open court.)

3 MR. JOHNSON: The state offers state exhibits, one,
4 two, three, four and five.

5 MR. DETORRES: I object and note our exception.

6 COURT: Overruled.

7 MR. JOHNSON: The state rests.

8 COURT: Members of the Jury, you will have to leave
9 the courtroom gain at this time while we take up some matters
10 of law that would be improper for you to hear. Do not talk
11 about this matter and the sheriff will tell you when to reutrnr.

12 (The jury left the courtroom.)

13 MR. DETORRES: At the clost of the state's evidence,
14 I would like to make the following motions. One, as to the
15 four charges before the court, I argue to the court that there
16 is insufficient evidence as to each of those to take any of
17 them to the jury and that each of the four charges should be
18 dismissed. Now additionally, I argue to the court that the
19 court should dismiss the two rape charges for they have
20 alleged two weparate rapes and it is wvidence only of one
21 continue rape some fifteen feet apart. There was no spermatozoa
22 present and therefore no rape was ever completed or no completion
23 of one sexual act and it wshould be viewed by the court as one
24 rape rather than two separate charges of rape against the
25 defendant. I argue to the court that the court should dismiss
the two rape carges for there is no sufficient evidence to take

1 either of them to the jury. As to the charge of kidnapping.
2 I argue to the court that again there is insufficient evidence
3 to merit the submission of this charge to the jury. As a
4 matter of law, there has been no kidnapping in the sense of
5 the statute in this case. Certainly restraint is an essential
6 element of the crime of rape. All of the restraint that has
7 been testified to is that involved in the count of rape itself
8 and there is no evidence that she was ever restrained from
9 going to the door or doing anywhere else in the apartment other
10 than that used in the rape itself. It is clear from the cases
11 and from the intent of the kidnapping statute that there is
12 no kidnapping here. The cases that I have researched all show
13 that in rape there is some restraint but that it is an element
14 of the charge for rape itself. As to the felony of first
15 degree burglary, the indictment against the defendant filed
16 on 2-22-88, being the last indictment, clearly states that
17 the first degree burglary was for the commission of the offense
18 of larceny and there is no evidence in this case of the felony
19 larceny as stated in that indictment.

20 COURT: I thought it said first degree rape.

21 MR. DETORRES: The first indictment filed in this
22 case did but the second one does not.

23 MR. JOHNSON: it appears that Mr. Learner of our office
24 made a mistake in that indictment your Honor.

25 COURT: Motion to dismiss the first degree burglary
in number 87 CrS 13540 is allowed. The motion to dismiss

1 87 CRS 13541, first degree kidnapping, is denied. The motions
2 to dismiss 87 CrS 13542 and 13544 is denied in both cases
3 Are you ready to go forward with your evidence if you have any.

4 MR. DETORRES: It is twelve now your Honor and I
5 would want to do an opening at some time.

6 COURT: We will come back at 1:30. Bring the jury
7 in. (The jury came in open court.)

8 COURT: Members of the Jury, will take our noon recess
9 at this time and come back at 1:30 today. Do not talk about
10 this matter nor allow anyone to talk to you about it.

11 (The court recessed at 12:05 and reconvened
12 at 1:30 and the jury is in open court.)

13 (Mr Detorres made an opening statement to the jury.)
14 BRENDA SMITH was called as a witness for the defendant, first
15 being duly sworn, testified as follows:

16 DIRECT BY MR. DETORRES:

17 Q Tell us your name and address?

18 A Brenda Smith, 6 5th Street Southeast Hickory.

19 Q How long have you lived at that address?

20 A Three years now .

21 Q Who else resides there at that address with you.

22 A My three sons.

23 Q And what are their ages.

24 A 21, 14 and 9.

25 Q Do you know the defendant, Willie James Grimes?

A Yes sir.

1 Q How long have you known him?

2 A About close to nine yars.

3 Q And are you related to him in any way.

4 A No.

5 Q And you have any relationship with Mr Grimes?

6 A Just friends.

7 Q Have you and he ever dated before?

8 A No.

9 Q Now directing your attention to the night of October 23, 1987,
10 last year. Did you have the occasion to see Willie James Grimes
11 thatnight.

12 A October 23red, yes

13 Q That would have been Friday night.

14 A Yes.

15 Q Where did you see him?

16 A Willie....well, I seen Willie and he was laying in the
17 bedroom.

18 Q And when you say he was laying there.

19 A He was asleep.

20 Q Was he there after you returned from work.

21 A Yes, after I got off work.

22 Q And what period of time would have worked that Friday.

23 A I had to be at work or left some time about 10:30.

24 Q And while...was Willie staying at your house at that time.

25 A Yes sir.

- 1 Q How long had he been staying there.
- 2 A Close to a year.
- 3 Q Did he pay any rent or anything in way of compensation for
4 staying there.
- 5 A Yes, he paid rent.
- 6 Q You saw him the night of October 23rd.
- 7 A Yes.
- 8 Q And he was at your house sleeping there.
- 9 A Yes.
- 10 Q Did you see him the next morning on the 24th.
- 11 A Yes sir.
- 12 Q Where was he at that time.
- 13 A He was still i the house and he was still asleep at that
14 time also.
- 15 Q Do you remember approximately what time that he got up that
16 morning
- 17 A About the time that I came in the house, that was about
18 7:20 or something like that.
- 19 Q 7:20 in the morning.
- 20 A Yes.
- 21 Q Did you and he had occasion to leave your home some time
22 later on the 24th of October.
- 23 A Yes, we left.
- 24 Q Where did you go to that morning of the 24th.
- 25 A We went to the store.

- 1 Q And do you recall which store that was?
- 2 A Well, first we went to the post office and stopped there and
3 then went to the store
- 4 Q Do you remember which post office that was.
- 5 A Hickory Post Office.
- 6 Q And you say then you went to a store?
- 7 A That is when we went to the Winn Dixie in Newton.
- 8 Q Were....where were you going on that day?
- 9 A We were going to my counsin's house in Claremont.
- 10 Q What is her name.
- 11 A Elizabeth Finger.
- 12 Q Is she here in the courtroom.
- 13 A Yes sir
- 14 Q Now approximately what time of the day was this.
- 15 A We got out to her house....well, it was about four something
16 and we left out of there. We got to her house about five and
17 we left like about four to go there and got there about five.
- 18 Q When you got to the home of Mrs Finger, who was there.
- 19 A Elizabeth was there.
- 20 Q Was anyone else thate at the home.
- 21 A Just a friend came by you know.
- 22 Q What....how long did you stay at this house in Clarmont.
- 23 A I left about eight.
- 24 Q Tha would have been in the evening, is that correct?
- 25 A Yes sir.

- 1 Q What did you all do when you were at the home of the Fingers?
- 2 A We had a few drinks.
- 3 Q You have anything to eat.
- 4 A Yes, we had some shrimp and he had crab meat.
- 5 Q And who did the cooking of those items.
- 6 A We bought them at the Winn Dixie store.
- 7 Q But who cooked them.
- 8 A Some man in the store there cooked them.
- 9 Q What...what this ...was this just you and Mr Grimes that
- 10 had driven down to the Finger home.
- 11 A Yes sir.
- 12 Q And who did the driving in the car.
- 13 A I did.
- 14 Q And to your knowledge does Mr Grimes have a driver's license
- 15 or an automobile.
- 16 A No sir.
- 17 Q Now you left the Finger home about eight you said.
- 18 A Yes sir.
- 19 Q Where did you go then.
- 20 A We went to East Berlin.
- 21 Q Where is that.
- 22 A I don't have the address but in the East Berlin.
- 23 Q And where did you go there.
- 24 A We went to Rachael Wilson's house.
- 25 Q Is she here in the courtroom.

1 A Yes sir.

2 Q Is that the section in Hickory that you refer to as East
3 Berlin.

4 A Yes, that is what they call it. I don't have the real name
5 of it.

6 Q Is that a section that is over at lenoir Rhyne Boulevard.

7 A Yes and Tate .

8 Q Where were you going.....why did you go to the Wilson house.

9 A He wanted her to cook something for him. Some kind of pork
10 or whatever.

11 Q You remember approximately what time that you arrived at the
12 home of Rachael Wilson.

13 A 8:30.

14 Q So you drove from Claremont to Hickory.

15 A Yes sir.

16 Q You didn't make any trips to some other place.

17 A Not that I know of.

18 Q When you left the home in Claremont was it just you and
19 Willie Grimes in your car.

20 A Yes sir.

21 Q Adwhen you arrived at the home of Rachael Wilson, who was
22 there.

23 A She was there. she came to the door.

24 Q Did you proceed to go inside or did you stay outside.

25 A I waited outside.

- 1 Q And then where did you go.
- 2 A Then I left and went on home to get ready for work.
- 3 Q Ready to goto work later that night.
- 4 A Yes sir.
- 5 QWhat time did you have to go to work.
- 6 A I had a lady to pick up and I picked her up about close to
- 7 ten.
- 8 Q So you left sometime before nine and at that time you were
- 9 outside of the homeof Mrs Wilson.
- 10 A She called me about 9:30.
- 11 Q Now during the time you were outside of the home of Rachael
- 12 wilson and Willie Grimes was inside the home, did you see him
- 13 leave the home while you were outside.
- 14 ANo sir.
- 15 Q So then you drove off and went back to your home.
- 16 A Right.
- 17 Q And you say that you recieved a phone call from whom.
- 18 A The defendant, Mr Griesm
- 19 Q About what time was that.
- 20 A 9:30.
- 21 Q That was 9:30 that same evening on the October 24th.
- 22 A Yes sir.
- 23 Q Where were you when yougot the phonecal.
- 24 A I was in the bedroom getting ready for work.
- 25 Q You were at your home at that time.

- 1 A Yes sir.
- 2 Q And do you know where Mr. Grimes was when he made the phone call
- 3 A From Rachale Wilson's house.
- 4 Q How could you tell that he was calling from her house.
- 5 A She the only one that has a phone over there.
- 6 Q Did he indicate where he was calling from.
- 7 A Yes.
- 8 Q Where did he indicate that he was calling from.
- 9 A From Rachael house.
- 10 Q What was the nature of that conversation when he called you
- 11 at 9:30.
- 12 A He wanted me to come and pick him up.
- 13 Q And did he have any place that he wanted you to take him.
- 14 A Oh yes to my house.
- 15 Q Wanted to go back to where he was staying
- 16 A Yes.
- 17 Q Did you go by there and pick him up.
- 18 A I went over there but I misunderstood and he said Rachael
- 19 and I thought he said Richard and I went over to Richard Wilson's
- 20 house and I did not see him and I left and picked up my lady
- 21 rider.
- 22 Q Rachael Wilson as you found out was where he was.
- 23 A Yes sir.
- 24 Q An d you thought he said Richard wilson.
- 25 A Yes.

- 1 Q And what...
- 2 A They don't leve to far fro each other.
- 3 Q Somewhere in that same neighborhood.
- 4 A YEs sir.
- 5 Q You went to the home of RichardWilson. Did you go inside of
- 6 the home.
- 7 A No,he was not there.
- 8 Q You went back home then.
- 9 A I went to pick up the lady.
- 10 Q And then youwent over to work.
- 11 A es.
- 12 Q When did you next see Willie Grimes.
- 13 A He called me the next Sunday morning to come pick him up.
- 14 Q You recall what time tha was.
- 15 A It was about seven or 7:30.
- 16 Q And did he call you at home or at work.
- 17 A He called me at home.
- 18 Q So you weren home and had gotten off work .
- 19 A Oh yes.
- 20 Q Where did he call you from or did he indicate that to you.
- 21 A Rachael Wilson's house.
- 22 Q And what did you do in response to that call.
- 23 A I went and picked him up.
- 24 Q And did you pick him up at Rachael Wilsons' house.
- 25 A He was in somebody's car and he got out and got in my car.

- 1 Q You recall whose car he was in.
- 2 A No, but some Robert fellow. I don't know that name but Robert.
- 3 Q Can you explain the circumstances under which he was in the
- 4 car.
- 5 A No sir.
- 6 Q Was it stopped or moving.
- 7 A He stopped. They were just talking.
- 8 Q Did you see him in the car.
- 9 A Yes sir.
- 10 Q and then Willie Grimes got in your automobile.
- 11 A Yes sir.
- 12 Q Didwhere did you go after that.
- 13 A We headed towards Shelby.
- 14 Q What was your purpose in going to Shelby.
- 15 A He wanted to see some friend there.
- 16 Q Did you know....at the time you saw him that morning did
- 17 you notice any scratches or any injuries or any blood on his face
- 18 or about his clothing.
- 19 A No sir.
- 20 Q Do you recall what Willie Grimes was wearing.
- 21 A I believe a pair brown pants and I think a shirt that was
- 22 white and green stripes.
- 23 Q Was he wearing any kind of green sweater .
- 24 A He had green in the shirt but not a green sweater.
- 25 Q You recall anything else.

- 1 A A jacket, brown I think.
- 2 Q Was he clean shaven that morning.
- 3 A Yes, he bought shaving stuff and all beofore he left.
- 4 Q Before he left on the afternoon of the 24th.
- 5 A Yes.
- 6 Q You actually observed him shaving.
- 7 A Yes sir.
- 8 Q Now was he wearing a mustache or any facial hair during
- 9 that time.
- 10 A He always had a mustache.
- 11 Q Do you know if Mr Grimes has any scars.
- 12 A No sir.
- 13 Q Now when you pcieked him up on the morning of the 24th, was
- 14 he still wearing the same clothing he was....on the 25th, was
- 15 he still wearing the same clotning that he was when you last
- 16 saw him the night before.
- 17 A Yes sir.
- 18 Q When didyoufirst hear about these charges being pplaced
- 19 against Mr Grimes.
- 20 A Steve Hunt came and knocked on my door.
- 21 Q When was that if you recall.
- 22 A I think on a Monday.
- 23 Q That would be two nights after this Saturday and Sunday
- 24 that we are talking about.
- 25 A Yes sir.

1 Q And what did Detective Hunt indicate to you when he came
2 to your door.

3 MR. JOHNSON: Objection.

4 COURT: Sustained as to that.

5 Q Did he leave word that he was looking for Mr. Grimes.

6 °Yes sir.

7 Q After you talked with Mr. Hunt, did you next see Mr Grimes.

8 A. That Monday when he came home.

9 Q Was this in the morning or afternoon or evening.

10 A. It was in the evening.

11 Q And did you relate to him that Ofcer Hunt had been looking
12 for him.

13 A. Yes, becuase he asked me to take him up to his office.

14 Q And did you take him up to the Hickory Police Department
15 that day.

16 A. Yes, I did.

17 Q You recall wat he was wearing that day.

18 A. He had on a pair of blue jeans.

19 Q Did Willie Grimes at any time indcate any reason why the
20 police were looking for him.

21 A. No, he didn't know why.

22 Q Now in the time that you have known Willie Grimes, are you
23 fimiliar with his general character and reputation.

24 A. Yes sir.

25 Q And what is that .

- 1 A He is quite and don't bother nobody.
- 2 Q Does it have any reputation at all that you know of for
3 being a violent person.
- 4 A Nosir.
- 5 Q Have you ever heard of him being violent.
- 6 A No sir.
- 7 Q Have you heard of him being convicted of a crime.
- 8 A No sir.
- 9 Q Have you ever seen him dating older women or elder people.
10 ANo, no sir.
- 11 Q What kind of a reputation does Mr.Grimes have for truthfulness
12 and telling the truth.
- 13 A He will tell the truth.
- 14 Q Did you know MR. Grimes when he was taking care of his mother.
- 15 A Yes....no, not then.
- 16 Q I hand you what is marked as defendant exhibit one and ask if
17 you can tell us what that is.
- 18 A That is where we bought the crab meat and shrimp at Winn Dixie.
- 19 Q Tha is the receipt for those items.
- 20 A Yes sir.
- 21 Q And that has a date on it.
- 22 A Yes sir.
- 23 Q What is the date on that?
- 24 A 10-24-87.
- 25 Q And does that have a time stamped on thee.

1 A Yes.

2 Q What is the time.

3 A 4:14 p.m.

4 Q IN the afternoon.

5 A Yes.

6 Q And that is the receipt for the items that you and Grimes
7 bought and took to Claremont to eart

8 A Yes.

9 Q The testimony that has been given here by you today, is
10 it all the truth.

11 MR. JOHNSON: Objection.

12 COURT: Sustained.

13 Q Has anyone told you to tell any thing that is not the truth.

14 ANo sir.

15 Q Who contacted you about coming here today and testifying.

16 A You did.

17 Q Did I contact you or you contact me.

18 A you contacted me.

19 Q And have you been willing to come to court.

20 A Yes sir.

21 MR DETORRES: Thank you. That is all.

22 CROSS BY MR. MEYERS:

23 Q What is your adress?

24 A 65 Southeast in Hickory.

25 Q Back in October of last year, you say that you worked what
kind of work.

- 1 A. I worked in a nursing home.
- 2 Q Where was that.
- 3 A Tri-Aid.
- 4 Q Were you working a particular shift at the nursing home.
- 5 A Third.
- 6 Q What were the hours of that shift.
- 7 A Eleven to seven.
- 8 Q Eleven at night to seven in the morning.
- 9 A Yes sir.
- 10 Q How many days a week did you work there.
- 11 A Somewhere from four to seven and then on Saturday and Sunday
- 12 on every other weekend.
- 13 Q Were you working on that weekend.
- 14 A Yes sir.
- 15 Q You were working the third shift that weekend.
- 16 A Yes sir.
- 17 Q What time did you get home on Friday the 23rd.
- 18 A I got home about 7:15 in the morning sir.
- 19 Q Is that when you got home that day.
- 20 A Yes, from working.
- 21 Q Did you previously testify that you got home at 10:30 p.m.
- 22 that night.
- 23 A No, that was in the morning, when I went in the bedroom and
- 24 he was asleep.
- 25 Q You have testified to a lot of times and places. What makes
you remember the details of that date ?

- 1 A Well, because I am familiar with this thing when he got
2 charged and I knew that we had done that weekend.
- 3 Q When Willie Grimes speaks, does he normally speak in the
4 clear voice.
- 5 A No sir.
- 6 Q How would you characterize his speech.
- 7 A He kind of tied tongue.
- 8 Q He has a speech impairment.
- 9 A Yes.
- 10 Q Now you have testified that you came home Saturday morning
11 at about 7:15 a.m..
- 12 A I got home about 7:15.
- 13 Q Did you sleep at all that day.
- 14 A No, I did not.
- 15 Q You went and were with MR. Grimes for the remainder of that
16 day.
- 17 A Yes .
- 18 Q And did you go to work that evening.
- 19 A Yes, I went to work that night at five to ten.
- 20 Q How long a period did you go without sleep then.
- 21 A I didn't sleep at all that night. I went all day and that
22 night and I did not sleep.
- 23 Q You testified that you had been drinking at the house in
24 Claremont.
- 25 A Yes sir.

- 1 Q What were you donig there.
- 2 A Well, we just went to vist.
- 3 Q And what did you do on the way there.
- 4 A We stoped at theliquor store and got some Candian Mist.
- 5 Q How big a bottle.
- 6 A Small one, Pint or half pint.
- 7 Q Did Willie Grimes drink that Canadian Mist liquor.
- 8 A He only had one glass.
- 9 Q What part of Hickory is East Berlin in.
- 10 A Across from Lenoir Rhyne Boulevarda nd you come to the Quick
- 11 Stop and yo make the right turn and it is in there. I don't
- 12 kow the address in there.
- 13 Q How close to Center Street is that.
- 14 A Well, I don't know for sure. It is a long ways I think.
- 15 Q What do you mean by that.
- 16 A Wll, about eight blocks or soemthing like that.
- 17 Q Eight blocks.
- 18 A Something like that I think.
- 19 Q You have known Mr. Grimes for nine years.
- 20 A Yes, close to that.
- 21 Q And how long has he lived with you.
- 22 A He lived with me almost close to a year I think.
- 23 Q Do younormally see him shaving.
- 24 A Yes.
- 25 Q You testified that youleft before nine that night, that
is the 24th.

- 1 A. Yes.
- 2 Q You did not see him personally until when again.
- 3 A Until Sunday morning.
- 4 Q The next day.
- 5 A Right.
- 6 Q Did you at any time prior to today tell any officer that
7 you were with Mr. Grimes on the date of 24th of October
- 8 A No, I have not told any officer that.
- 9 Q You never told any officer that.
- 10 A No.
- 11 Q You described the green and white shirt that you said that
12 Mr Grimes had on.
- 13 A Yes.
- 14 Q Was it a shirt that button up the front or pulled over.
- 15 A Button up the front.
- 16 Q You said that he had a green jacket on.
- 17 A No, brown.
- 18 Q You stated that Mr. Grimes has no visible scars.
- 19 A None that I know of.
- 20 Q Does he have any deformity that you know of.
- 21 A No.
- 22 Q Now how did you come to retain the receipt that you have
23 from the grocery store.
- 24 A It was in the car .
- 25 Q When did you find that receipt?

1 A It was in the car and I found it in my car that Sunday or
2 Monday. I looked in the car.

3 Q Do you save all of your grocery receipts.

4 A Some time I do.

5 Q Some time you do.

6 A Yes.

7 MR. MEYERS: That is all.

8 RE-DIRECT BY MR. DETORRES:

9 Q When did you first hear that Willie Grimes had been charged
10 with these offense?

11 A I think you called me on Tuesday.

12 Q That would have been a week of his being charged.

13 A It was the same week when I took him to the jail up to the
14 police station.

15 Q And this would have been soon thereafter, after the day
16 of the 24th of October.

17 A Yes sir.

18 Q And did you recognize the importance of this testimony and
19 remembering all of the facts as to where you and he were.

20 MR. MEYERS: Objection.

21 COURT: Overruled.

22 A Yes sir.

23 Q Do you know if Willie is missing any part of his fingers.

24 A He got one or two parts missing.

25 Q You know that.

1 A Yes sir.

2 Q Now early the state's attorney asked if you knew if he
3 had any deformities. Do you know what he meant by that.

4 A I am sorry. I didn't understand that meaning the fingers
5 being missing.

6 MR. DETORRES: That is all.

7 MR. MEYERS: Nothing further.

8 MR. DETORRES: I move the introduction of defnedat
9 exhibit one into evidence.

10 COUR: Let that exhibit be received into evidence.

11 (Defendant exhibit one was passed to the jury.)

12 RACHAEL WILSON was called as a witness for the defendant, first
13 being duly sworn, testified as follows:

14 DIRECT BY MR. DETORRES:

15 Q Tell us your name and where you live.

16 A Rachael Wilson, 115 9th Street Southeast Hickory.

17 Q Now do you live in the section that is known as Little Berlin.

18 A Yes sir.

19 Q and how long have you lived there.

20 A Thirteen years.

21 Q Directing your attention to October 24, 1987, were you at
22 home on that day.

23 A Yes, I was.

24 Q Do you know the defendant, Willis James Grimes.

25 A Yes sir.

- 1 Q How long have you known him.
- 2 A I don't know, about....I know him. He and my husband are
- 3 friends and after we separated we lost contact and it has
- 4 been ten years now since that.
- 5 Q You knew him some time before that and have known him
- 6 now for ten years.
- 7 A Yes sir.
- 8 Q Did you ever have the occasion to see MR Grimes at your
- 9 home on October 24, 1987.
- 10 A Yes sir.
- 11 Q And approximately what time did he come to your house.
- 12 A He came to my house about 8:30.
- 13 Q In the evening.
- 14 A In the afternoon, yes.
- 15 Q When he came what....was he by himself or someone with him.
- 16 A Brenda brought him to my house.
- 17 Q Brenda that just testified.
- 18 A Yes sir.
- 19 Q And when you say she brought him to your house.
- 20 A She drove him there.
- 21 Q As far as you know does Mr. Grimes own an automobile.
- 22 A No sir.
- 23 Q Now did Brenda Smith come in your home that night.
- 24 A No, she did not come in in the house.
- 25 Q And did Willie Grimes come in your home.

- 1 A Yes sir.
- 2 Q Who was at your house when Mr. Grimes arrived there other
3 than yourself.
- 4 A Well, me and my kinds was there but at the time that Willie
5 approached in my yard, my sister, Carolyn and Lib King, all
6 came to the house at about the same time.
- 7 Q Now when your sister, carolyn...what is her last name.
- 8 A Shuford.
- 9 Q Is she here.
- 10 A Yes.
- 11 Q And you got your neighbor, Lib King, is she here.
- 12 A Yes.
- 13 Q Is that Lib King there.
- 14 A Yes and her name is Revonda but we call her Lib.
- 15 Q Now how old are your children.
- 16 A I had two daughters that is fifteen and a son that is sixteen.
17 and a son that is nine.
- 18 Q Were all the children at home when Mr. Grimes arived.
- 19 A All but one. The nien year odl was not there.
- 20 Q How long was Mr Grimes at your home that evening.
- 21 A He was there to about 12:15 in the morning. About 12:15 or
22 12:30.
- 23 Q When you say that, you mean the folloiwng morning.
- 24 AYes.
- 25 Q After midnight.

1 A Yes sir.

2 Q Fro the time that he arrived and left, did you see him
3 during that time.

4 A Yes, we were all right there in the house together.

5 Q Was Lib King also there with him.

6 A She was there for the time to about nine when he left.

7 Q And so...was Carolyn Shuford there with you.

8 A Yes, she left about fifteen minutes to ten.

9 Q Did anyone else come to your home that afternoon or evening
10 after MR Grimes arrived.

11 A William Robinson did.

12 Q Now Willie Robinson is a neighbor of yours.

13 A He is a friend of mine.

14 Q And does he live in the neighborhood there.

15 A He does not live in the neighborhood but it is not that
16 far to his house.

17 Q Did anyone else come to your home.

18 A Yes. Lib King's son and another boy come but they didn't
19 stay very long.

20 Q Now from 8:30 that evening to 12:15 was Mr Grimes in your
21 home for that entire period of time.

22 A he went out of my house for fifteen minutes and that is when
23 he went to get some money that he had let somebody hold for
24 him and he went and picked it up and it took him fifteen minutes
25 to walk across the stree tand do that.

1 Q Do you know where that was that he went to pick up his money.

2 A Yes, he went to Richard Wilson.

3 Q Where does Richard Wilson live in relationship to your house.

4 A About two houses up but across the street from me.

5 Q Now Richard Wilson, is he herein the courtroom?

6 A Yes sir.

7 Q Now after Mr Grimes returned, did he indicate that he had
8 talk to Richad Wilson.

9 A Yes, he said that he got his money

10 MR. JOHNSON: Objection and move to strike that out.

11 COURT: Sustained and do not consider that members
12 of the jury.

13 Q Now these individuals that came to your house. Were you
14 having a special gathering that evening or having any people
15 over for any reason.

16 A Well, Willie wanted me to cook him some chitling and he
17 brought that over Friday night for me and he brought me the
18 rest of the meat to go with that on Saturday night.

19 Q Did you fix that for him.

20 A I did it Sunday after I got off work.

21 Q Any relationship that you have with Mr Grimes?

22 A No, just friends.

23 Q Have you ever had any kind of relationship other than friends
24 with him?

25 A No sir.

- 1 Q Now you recall when Mr. Grimes...what Mr. Grimes was wearing
2 when he came to home...your home thatnight.
- 3 A No, I really was not paying much attention what any of them
4 were waring.
- 5 Q Do you recall if he was clean shaven or not.
- 6 A He is always clean shaven.
- 7 Q Now Mrs Wilson, are you fimiliar with Mr-Grimes general
8 character and reputation in the community there of Hickory?
- 9 A Yes sir.
- 10 Q And what is that?
- 11 A He is a nice person and he is no trouble to anybody. He gets
12 along with everybody there.
- 13 Q Have youhad problems with him in the past over anything?
- 14 A No sir.
- 15 Q Have you known him to be involved in any violent acts.
- 16 A No sir.
- 17 Q Doeshe had any reputation therein the community for violence?
- 18 A No sir.
- 19 Q Have you ever seen him going out with any odler women or
20 eldery women or ladies?
- 21 A No, I never seen him do that.
- 22 Q Are you familiar with his reputation for truthfulness?
- 23 A Yes, so far as I know he alwaystells the truth.
- 24 Q Have you ever known him to tell a lie?
- 25 ANo sir.

1 Q Have you ever known him to tell anybody else a lie?

2 A No sir. He is pretty honest man.

3 Q Did you see any stratches, marks or blood or any bleeding
4 that was on his body at any time that night of the 24ht of October

5 A No sir.

6 MR. DETORRES That is all.

7 CROSS BY MR JOHNSON;

8 Q You say that you have known Mr. Grimes for about ten years.

9 A Yes, all total. It would be longer than but that just lost
10 cotact after my husband and I separated. We lost contact with
11 each other then and we moved to Hickory and got back together.
12 It has been over tenyears.

13 Q When did you loss contact with him.

14 A Well, I would say that I have been knowning him for about
15 twenty years and then we lost contact in there but have been
16 back to friends for ten.

17 Q Can you tell me about when it was that you and Mr. Grimes
18 did not have contact with one antoher.

19 A Some time probably in 1968.

20 Q About starting in 1968.

21 A Yes.

22 Q And whendid you start seeing Mr Grimes again.

23 A Well it was ten years ago, 1978.

24 Q You have been seeing him for ten years on a regualr bassis.

25 A Yes sir.

1 Q About how often do you see MR Grimes.

2 A Every day

3 Q Every day.

4 A Yes sir.

5 Q You familiar with what he does for a living?

6 A Yes, he works in the mill, He just did different work. He
7 didn't hold to not working.

8 Q And on october 24 of 1987, you know what he was working
9 anywerhe.

10 A Yes, he was working. He was working at....what you call the
11 place....you know they get your jobs. I don't know the name
12 of the place but they get you jobs and he was working.

13 Q What kind of work was that.

14 A I really don't know.

15 Q When

16 MR. JOHNSON: Your Honor, I would like for you to
17 instruct the other people in the courtroom to remain silent
18 and not talk out loud and give answers to this witness.

19 COUR: Everyone remain silent and do not indicate
20 answers to the witness.

21 Q To your knowledg eid he workon the weekend.

22 A Nos ir. Did not work on no weekend.

23 Q You say that you saw him every day.

24 A Yes, I saw him every day. Well, either at my house or friend's
25 house or soemwhere on the street.

1 Q How far do you live from where Brenda Smith lives?

2 A Oh gosh, well, I walked to her house but I can not tell you
3 exactly how many miles that would be. I could not tell you
4 that.

5 Q If you were to work fro your house to Frenda Smith's house,
6 about how long would it take you towalk that distance.

7 A It would take me about twenty minutes.

8 Q Two minutes?

9 A Twenty minutes.

10 Q Are you related to Brenda Smith.

11 A No sir.

12 Q Do you know Lidda McDowell?

13 A Yes sir.

14 Q You know where she was living at the time of this matter.

15 A She was living at Sweetwater.

16 Q About how far way is that from your place?

17 A That down by the Catawba Memoorial Hospital. I am here on
18 Lenoir Rhyne Boulevard and I don't know how far that is.

19 Q Did you know Willie Mason.

20 A Yes sir.

21 Q You know where he lived in October 1987.

22 A I know where he lived but I didn't kow the name of the street
23 or the address of it.

24 Q It is correct that both Mr Mason and Mrs McDowell were in
25 an aprtment on 8th Avenue Southeast in Hickory.

A. She did not live there.

- 1 Q She did not live there?
- 2 A No sir.
- 3 Q You know where that partment was , don't you.
- 4 A Yes, I know theaprtment you are talking about.
- 5 Q How far is that apartment in walking time from ryour home.
- 6 A Probably thirty to thirty-five minutes.
- 7 Q Were you doing any drinking on Saturday night, the 24th
- 8 of Ocrtober 1987.
- 9 A I drank a beer.
- 10 Q One beer.What time of the day did you drink that beer?
- 11 AItwas....I drink it at night, about nine or so.
- 12 Q Was Willie Grimes doing any drinking over at your place.
- 13 AWeillie came in and he said he didn't want nothing to drink
- 14 and later on about 9:30 he drank a beer but I didn't recall
- 15 him drinking anthing from that.
- 16 Q What did Mr Grimes do afterat your place after he
- 17 arrived at about 8:30 p.m.
- 18 A he set and talked with us all there.
- 19 Q Where was that talking going on.
- 20 A In my kitchen and my livngn room and we all were talking
- 21 in there.
- 22 Q And there were all these other people in the same areas.
- 23 A Yes sir.
- 24 Q What time was it that Mr Grimes left to go to see this person
- 25 that owed him some money?

- 1 A Nine . . .
- 2 Q How do you know it was nine.
- 3 A The clock is right in front of me and that was the clock
- 4 there.
- 5 Q You looked at the clock.
- 6 A Yes, I did.
- 7 Q To make sure it was nine when he was going out.
- 8 A It was nine when he went out sir.
- 9 Q Was it a habit or custom for you to look at the clock.
- 10 A I just looked then sir.
- 11 Q What caused you to be able to remember that you looked at
- 12 the clock at that time
- 13 A Because at first Richard Wilson was in our home and he
- 14 was going back up there and I looked up there and it was nine.
- 15 Q When you saw...you say he was not home.
- 16 A Not at first.
- 17 Q Had he been over there at that time.
- 18 A Who?
- 19 Q Mr. Grimes.
- 20 A He was there during all of the time in my house, but he
- 21 mentioned going to get some money from Richard that he was
- 22 holding for him and he was not home .
- 23 Q How do you know he was not home.
- 24 A I had went out and Richard's car was not there and I walked
- 25 outside of my door.
- Q When did you go outside madam?

- 1 A I went out about ten minutes before Willie and I told him
2 that Richard was not home and then he decided to go out there.
- 3 Q How soon after that did Mr Grimes arrive at your place that
4 he decided to go to the house of Mr Wilson.
- 5 A It was about ten minutes when he decided first that
6 he was going to get his money and I told Willie that he was
7 not home and he stood there and at nine I told him that he
8 probably was there by then. He stayed there until he got
9 to nine.
- 10 Q Do you remember what the weather was like that night.
- 11 A Cold. It was cold.
- 12 Q That is all you can remember about it.
- 13 A Cold, yes.
- 14 Q Was Willie wearing a coat.
- 15 A He was wearing a coat but I don't remember what color it was
16 or nothing like that.
- 17 Q You say Mr. Grimes had some meat that he wanted you to cook.
- 18 A Yes sir.
- 19 Q You cook that for him often.
- 20 A Not often, no.
- 21 Q When did he expect you to cook that for him.
- 22 A He asked me if I would do that and I told him that I would.
- 23 Q When was it that he asked you to cook the meat?
- 24 A He asked me on Thursday and he brought it on Friday and
25 and I put it up and could not cook it until I got of work.

- 1 Q And you cooked it on Sunday.
- 2 A Yes.
- 3 Q That means that Mr. Grimes was at your place where you lived
4 on Thursday.
- 5 A Yes.
- 6 Q What time of the day was he there on Thursday.
- 7 A He came to my house after noon and did practically every
8 afternoon.
- 9 Q Do you remember what time he was there on Thursday.
- 10 A I can not remember exactly what time it was on Thursday.
- 11 Q How long did he stay when he was there on Thursday.
- 12 A I can't say for sure, but he would come every day there
- 13 Q You remember what time that he left on Thursday.
- 14 A He...no.
- 15 Q When he came on Friday, what time did he come there.
- 16 A He came that Friday evening and it was almost dark and he
17 came that Friday afternoon and brought the meat.
- 18 Q You remember what time it was almost dark on the 23rd.
- 19 A Approximately eight or something like that Q
- 20 Q And what time did you leave...did he leave on Friday night.
- 21 A Well, he brought the stuff in for me to fix for him and
22 he didn't stay very long at all.
- 23 Q Did he do anything else on Friday at your house.
- 24 A No, not that I know of.
- 25 Q Just brought the meat to you and left?

- 1 A Yes sir.
- 2 Q When he brought you the meat on Thursday, did he tell you
3 when you would be cooking it?
- 4 A No, I didn't tell hi that. I didnt tell him exactly what day
5 I was going to cook it. I told him that I would cook it for
6 him when I wa off work .
- 7 Q Did you work on Sauturday? .
- 8 A No...yes sir.
- 9 Q What time did you get off work on Sautrday.
- 10 A I don't get off work until about 3:30.
- 11 Q Did you know that Willie Grimes was coming over to your house
12 on Saturday night to see if you could cook that meat.
- 13 A I had an idea that he as coming over but I didn't know about
14 his coming over to cook the meat.
- 15 Q He came over on Sunday also.
- 16 A He was in my house Monday Morning.
- 17 Q What time.
- 18 A He was there about seven . I had not changed my clock and
19 it as that Sunday to do that and he got there by my clock at
20 eight and I kept thinking I was late for work.
- 21 Q That was the time that he came.
- 22 A Yes.
- 23 Q And you did not change your clocks back on Saturday night
- 24 A No, I dind't change them on Saturday night
- 25 Q You don't know if somebody else might have changed them do you.
ANO, I don't know that but they were not changed.

- 1 Q When he came on Sunday how long did mr Grimes stay.
- 2 A Mr Grimes didn't stay at my house but about ten minutes and
3 it may not be that long. William Robinson asked him to go to
4 Kazier that Morning and he went back out the door and he was
5 going to see William.
- 6 Q Did you see him do anything or go anywhere that mroning.
- 7 A No.
- 8 Q What time did you cook the meat for him on SudaY.
- 9 A I cooked the meat on Sunday evening off and on. I started
10 cooking about six.
- 11 Q But you didn't see Willie Grimes eat any of it on Sunday.
- 12 ANo, he did not becuae he came back to m y house thatMonday
13 morning and I told him I had cooked that Sunday night.
- 14 Q And...
- 15 A I left him at my house and he ate some then.
- 16 Q Do you know an individual named Garry Allen.
- 17 A I never saw him. I don't know but I know who he is.
- 18 Q You know who he is.
- 19 A Yes.
- 20 Q Do you know whether or not Willie Grimes knew BarryAllen
21 in October of 1987.
- 22 A I am sure that he did, yes.
- 23 Q Do...to your knowledge, did Willie Grimes associate with
24 Barry Allen in Ncother of 1987.
- 25 A I don't know about that but I know that he knew him.

- 1 Q Go to visit him to your knowledge on occasions.
- 2 A Yes.
- 3 MR. JOHNSON: That is all I think.
- 4 RE-DIRECT BY MR. DETORRES:
- 5 Q The prosecutor referred to a Mr Allen. Do you know where
- 6 he lived.
- 7 A he lived in the same apartment where Willie Mason lived
- 8 on there on that street.
- 9 Q Was he still living there or had he moved before that.
- 10 A I really don't know that he moved or not.
- 11 Q Now did MR. Grimes make any telephones calls from your home
- 12 when he was there on the night of October 24th.
- 13 A Yes.
- 14 Q And how many phone calls did he make?
- 15 A He made three.
- 16 Q And do you recall what time that he made the first phone call?
- 17 A About 9:30.
- 18 Q Do you know who he called?
- 19 A Brenda Smith.
- 20 Q And who else.
- 21 A He called my mother.
- 22 Q And her name is what.
- 23 A Lucille Shuford.
- 24 Q Approximately what time was that phone call made.
- 25 A I would say it was about ten.

1 Q And the last phone call.

2 A He called my sister.

3 Q And you recall what time that was.

4 A It must have been around eleven. I believe it was that time.

5 Q Now when did you first hear Mr Grimes had been charged
6 with these crimes?

7 A Well, I first heard about it on Sunday morning.

8 Q And...

9 A That was when my sister Linda called me and told me that he
10 had been charged and I told her that he could not be the one
11 for he was at my house and I saw it in the paper later.

12 Q What was your reaction when you heard that he had been charged
13 with these crimes

14 A Well, she called and told me about it and I told her that
15 I didn't want to hear it, because I knew that he was
16 at my house and that he could not do it and it was a lot of
17 people at my house and I saw it then in the paper and that is
18 when I knew that he was at my house that night and so I know
19 that it had to be the wrong person at that time.

20 Q Now Mrs Wilson are you sure that he was at your house thru
21 the entire period of time from 8:30 to about 12:14 or 12:00
22 that night.

23 A I am sure he was sir.

24 Q Are you sure that was the period of time that he was there?

25 A Yes, I am sure of that.

- 1 Q Did you....
- 2 MR. DETORRES: That is all.
- 3 RE CORSS BY MR. JOHNSON:
- 4 Q Did you go to any police officr and tell them that Willie
- 5 Grimes couldnot have doen these crimes because he was at your
- 6 home that night.
- 7 A I have not talked to any police officers about this.
- 8 Q You knew they had arrested him, did you not.
- 9 A When they arresated him, yes, I saw it in the paper.
- 10 Q And you didn't go to the police when you got that informatio
- 11 and tell them.
- 12 A The only person that I told was the lawyer when Brenda Smith
- 13 asked if we would go and be a witness on the case and I talked
- 14 to the lawyer about it.
- 15 Q And you say that when you heard the charges were pending was
- 16 on Sunday.
- 17 A Yes.
- 18 Q Is that the Sunday of the next day after that Saturda night.
- 19 A Yes, the next day.
- 20 Q After the night that it happened on.
- 21 A Yes.
- 22 Q From whom did you hear that Willie Grimes was charged with
- 23 these crimes on Sunday?
- 24 A Linda McDowell.
- 25 Q When did you see about it in the paper.

- 1 A If I am not mistaken it was in the Tuesday paper, the
2 Hickory Daily Reocrd.
- 3 Q You say that it was a phone call made that evening at eleven
4 to your sister, Betty.
- 5 A Yes.
- 6 Q And what is her last name
- 7 A Shuford.
- 8 Q BettyShuford had been dating Willie Grmes, had she not.
- 9 A She use to date him.
- 10 Q MR. JOHNSON: That is all.
- 11 CAROLYN SHUFORD was called as a witness for the defendant
12 first being duly sworn, testified as follows?
- 13 DIRECT BY MR.DETORRES:
- 14 Q Tell us your name and address?
- 15 A Carolyn Shuford, I live at 3020 12th Avenue Southeast.
- 16 Q Now you know the defendant, Willie Girmes?
- 17 A Yes, I do.
- 18 Q How long ave you known him.
- 19 A I would say about nine years.
- 20 Q On the night of October 24, 1987, did you have the occasion
21 to go to your sister's house, that is the house of Rachael Wilson.
- 22 AYes sir.
- 23 Q And what time of the day or night did you arrive there.
- 24 AIt was about 8:30 thatevening.
- 25 Q And what was your reason for going to yoursister's house.

1 A Well, I just usually pass her house every evening.

2 Q And who was at home at Rachael Wilson's house when you got
3 there.

4 A I first arrived there and nobody there but her and the kids
5 and as I was going in the door, Elizabeth King and Willie Grimes
6 came in behind me.

7 Q When you say behind you, you mean they were behind you

8 A Yes, right behind me.

9 Q Do you see the person that you know as Willie Grimes in
10 the courtroom?

11 A Yes.

12 Q Where is he.

13 A Sitting beside of you.

14 Q This man right here.

15 A Yes sir.

16 Q Is this the same person that you saw going to your sister's house
17 that night.

18 A Yes sir.

19 Q And what time was that.

20 A 8:30.

21 Q How long did you see ...how long did you stay at the house
22 that night.

23 A I guess must stayed about an hour or longer. I am not sure.

24 Q During the time that you were there was Willie Grimes
25 there all that time in the home?

- 1 A Yes sir.
- 2 Q And during that period of time while you were there was there
3 any other individuals that came to the home other than you
4 that testified to.
- 5 A Not while I was there that I can remember.
- 6 Q During that time Willie Grimes go outside of Rachael Wilson
7 home.
- 8 A Yes, he did. He went to the home of Richard Wilson.
- 9 Q And where is that
- 10 A Right up the street from Rachael.
- 11 Q You recall about what time this was.
- 12 A I guess it must have been about quarter of nine. Was not
13 in the house long before he went up there.
- 14 Q How long was he out of your sister's home that night.
- 15 A Well, when he went up there he was not gone but five minutes
16 and Richard was not home.
- 17 Q Do you recall Willie Grimes making phone calls from your
18 sister's phone that night.
- 19 A Not while I was there.
- 20 Q Now after you left your sister's home, where did you go.
- 21 A I went to my home...my mother's home.
- 22 Q And what is your mother's name.
- 23 A Lucille Shufrord.
- 24 Q Where did she live in relation to where your sister lives.
- 25 A She lives....let me see, she lives in the same development
at the apartment

1 Q Is that on Sweetwater Road.

2 A Yes...well, off 12th Avenue there off Sweetwater Road.

3 Q Now was your mother at home when you arrived there.

4 A Yes sir.

5 Q Do you recall approximately what time you arrived at your
6 mother's house.

7 A I left Rachael about 9:30 and I guess took me about ten minutes
8 to get to her house

9 Q And when you left your mother's house was she on the phone.

10 A Yes sir.

11 Q And do you know who she was talking with.

12 A Talking to Willie Grimes.

13 MR. JOHNSON: Object and move to strike that.

14 COURT: Sustained.

15 Q Well, did you personally talk to him at that night at
16 that time on the phone.

17 A yes, I spoke to Willie on the phone.

18 Q You took the telephone from your mother and spoke to Willie
19 Grimes yourself.

20 A Yes, I did. I asked him what he wanted. When I left I was
21 picking with him and I asked what he wanted.

22 Q How long were you and your mother on the phone with Willie Grimes.

23 A I can't say exactly how long, but she was on the phone and
24 I got on the phone .

25 Q How long would it have taken to drive to your mother's.

A. From Rachael, ten minutes to drive there.

1 Q You left about 9:30 and got to yourmother's at 9:40.

2 A Yes.

3 Q And at that time Willie was already on the phone.

4 A Yes.

5 Q And ten minutes early you had left him at Rachael house.

6 A Right.

7 Q And did you have occasion to talk with Willie Grimes any
8 more that evening.

9 A No, I did not.

10 Q Are you familiar with Mr. Grime's general character and
11 reputation in the community.

12 A I know that he is a nice fellow.

13 Q Have you ever known him to be involved in any violence?

14 A No sir.

15 Q Have you ever heard of him having a reputation for violence?

16 A No sir.

17 Q Does Mr Grimes have a reputation for turthfulness?

18 A Yes, as far as I know.

19 Q As far as you know has he ever told you a lie.

20 A No sir.

21 Q As -ar as you know as he ever told anybody else a lie.

22 A Not that I know about.

23 Q And you....strike that.

24 MR. DETORRES: That is all.

25 CROSS BY MR. JOHNSON:

- 1 Q You have known Mr Grimes for nine years.
- 2 A Yes.
- 3 Q And how is it that you know him.
- 4 A I met him thru my sister, Betty.
- 5 Q And he dated your sister, Betty?
- 6 A Yes.
- 7 Q How long did he date your sister, Betty?
- 8 A Really don't know. I would say about six or seven years along
- 9 in there. I really don't know that.
- 10 Q When you say that you got to your sister's house at 8:30,
- 11 how do you know that it was that time.
- 12 A Because I left home at about fifteen after eight and I made
- 13 a stop before I got there.
- 14 Q Where did you stop.
- 15 A Richard Wilson's house.
- 16 Q What did you stop at Mr. Wilson's house for.
- 17 A I was going with him.
- 18 Q I could not hear you.
- 19 A I go with him.
- 20 Q Was he home.
- 21 A No, he was not.
- 22 Q Now you say that Mr. Grimes left a few minutes after you got
- 23 there to go to Richard Wilson's house.
- 24 A Yes sir.
- 25 Q Did you know that is where he was going when he left?

- 1 A No I didn't know where he was going.
- 2 Q How did you know that he went to Richard Wilson's house.
- 3 A After he got out of the door, I stood and watched him.
- 4 Q You watched him go to Mr Wilson's house.
- 5 A I was going back to my car.
- 6 Q Is that when you were leaving?
- 7 A No, I was not leaving then.
- 8 Q What were you going back to your car for.
- 9 A I went to get my pocketbook that I left in the car.
- 10 Q How long did you stay there after you got your pocketbook out
11 of your car.
- 12 A Well, I did not leave Rachel's house until about 9:30 like I said.
- 13 Q Did you see MR grimes come back from Richard Wilson's house.
- 14 A Yes, I did.
- 15 Q Did you see Mr Grimes go anywhere else before you left at
16 9:30 that night.
- 17 A No, I did not.
- 18 Q Did he go out the door againat all before you left?
- 19 A He went to the door but did not go out.
- 20 Q You remember what you did on Thursday night of that week?
- 21 A What I did?
- 22 Q Yes?
- 23 A Well as far as I know I was home.
- 24 Q Did you have any company.
- 25 A No sir.

- 1 Q You know wht you did on that Friday night of that week?
- 2 A No.
- 3 +Qyou know what you did on Sunday night of that week?
- 4 A I worked.
- 5 Q You worked.
- 6 A Yes at the Holiday Inn.
- 7 Q You don't work on Saturday?
- 8 A Yes sir. I workedon Saturday.
- 9 Q What time did you get off work .
- 10 A I don't have no certain times, Just whenever I finish. Tat
- 11 Saturday evening I guess it must have been about five.
- 12 Q How many days a week were youworking at the Holiday Inn that
- 13 week?
- 14 A Six.
- 15 Q You remember what time itwas on Saturdy that you got off work
- 16 from the Holiday Inn?
- 17 A It wasabout five when I punched out.
- 18 Q What makes you so certain that it was that Saturday night
- 19 that you testified about here.
- 20 A Because I was there and I saw him.
- 21 Q You were there but on Thursday night you don't know hwere
- 22 you were.
- 23 A Well, Iwas at Racheal's I am sure also.
- 24 Q On Friday night youdon't remember anything that happened?
- 25 Well, noting happened that I should remember that night.

1 Q When did you learn that Mr. Grimes had been charged with
2 these crimes by the police.

3 A Wehn I found out he had been charged, for these things, it
4 was on Tueday evening...no , it was Wednesday mroning.

5 Q Did you contact the police and tell them that it could not be
6 Willie Grimes that did those thins?

7 A No, I did not.

8 Q You never told the first officer that Willie Grimes was with
9 you that night did you.

10 A I nave not talked to any officer about anthing.

11 Q How many times have you talked to Mr. Detorres about it.

12 A Once.

13 Q How many times have you talked to Rachel Wilson about this.

14 A Oh, we talked about it a lot becasue we knew it was not true.

15 Q How many times have you talked to Brenda Smith about it.

16 A I have not talked to her about it. All I said about it it
17 was not true and I just could not believe it and nobody else
18 believed it.

19 MR. JOHNSON: That is all.

20 REVONDA ELIABETH KING was called as a witness for the defendant,
21 first being duly sworn, testified as follows:

22 DIRECT BY MR. DETORRES:

23 Q Tell us your name and...well, tell us yourname first.

24 A. Revonda Elizabeth King.

25 Q And you go by the name of Lib?

- 1 A Lib, Libby.
- 2 Q Have you been here today when the other witness testified?
- 3 A Yes.
- 4 Q And do you know the defendant, Willie James Grimes?
- 5 A Yes.
- 6 Q How long have you known him?
- 7 A I would say about fourteen years.
- 8 Q Areyou related to him in any way.
- 9 A No.
- 10 Q Have you ever hd any kind of relationship with him other
11 than that of a friend?
- 12 A No, just a friend.
- 13 Q You ever dated him or anything such as that?
- 14 A No sir.
- 15 Q Where you live in relation to where Rachel Wilson lived.
- 16 AI stay one house up above her.
- 17 Q Is that on the same side of the street she is on.
- 18 ARight.
- 19 Q Wheree does Richard Wilson live in relation to you.
- 20 A Right across the street from me.
- 21 Q Now on the night of October 24, 1987, didyou have the occasion
22 to go to the home of Rachel Wilson.
- 23 A Yes.
- 24 Q What time of the night or day didyou arrive there.
- 25 A About 8:30.

- 1 Q In the evening?
- 2 A Yes.
- 3 Q Now when you arrived at her home, who was there.
- 4 A Rachel, and Robert and Carolyn and I came in about the same
5 time and Willie Grimes he came in about the same time.
- 6 Q You term....you remember seeing Brenda Smith there.
- 7 A He got out of the car that Brenda was driving.
- 8 Q You do know Brenda Smith.
- 9 A Yes sir.
- 10 Q Did you recognize her automobile.
- 11 A yes, right.
- 12 Q Now do you know if Mr Grimes owns an automobile.
- 13 A Not that I know of.
- 14 Q Have you ever seen him driving.
- 15 A No sir.
- 16 Q How long did you stay at the home of Rachel Smith....Wilson.
- 17 A I guess about ten minutes to nine, not long. I didn't stay
18 very long at all.
- 19 Q During the period of time, was Mr. Grimes there.
- 20 A Yes sir.
- 21 Q Did he leave at any time while you were there.
- 22 A No, not while I was there.
- 23 Q And you left you said at ten minutes to nine?
- 24 A Yes, might have been nine. It was not after nine. I would say
25 8:30 to nine.

1 Q Did you see Willie Grimes at all that evening any more after
2 you left.

3 ANo sir.

4 Q Do you know here what happened that....strike that. Do you
5 recall what Mr Grimes was wearing that night?

6 ANo. Only thing that s can remember he had on some dark color
7 pants and a check shirt as far as I can remember and a jacket.
8 I don't remember the color of the jacket.

9 Q Are you generally familiar with Mr Grimes' reputation and
10 character in the community.

11 A Yes.

12 Q What is that.

13 A A real nice person, helps people whenever he can help them.

14 Q Haveyou ever known him to be involved in any violence.

15 ANo sir.

16 Q Are you familiar with his reputation for truthfulness?

17 A As far as I know he seems to be truthful to me.

18 Q Has he ever lied to you.

19 ANo.

20 Q Have you known him to lie to anybody else?

21 A Not that I know of.

22 Q When did you first hear about Mr. Grimes being charged
23 with these offenses?

24 A On a Turesday.

25 Q And How did youcometo hear about that?

1 A Rachel Wilson.

2 Q Did you then remember what occurred on Saturday night,
3 October 24, 1987.

4 A Yes.

5 MR. DETORRES: I believe that will be all.

6 CROSS BY MR. JOHNSON:

7 Q Mrs King, on that night that you say this happened, you say
8 you were there until 8:50 pm.

9 A Yes.

10 Q How did you know it was 8:50 p.m. that you departed

11 A Because Brenda was blowing her horn on the outside .

12 Q Brenda Smith.

13 A Yes.

14 Q Had she gone away and come back or did she remain outside
15 for twenty minutes?

16 A I could not tell you but I know that she was outside
17 blowing her horn but I don't know if she had left or not.

18 Q That is Brenda Smith that you are talking about .

19 Q Right.

20 Q That is the same person that brought Mr Grimes there that night?

21 A Right.

22 Q You had not seen her in the time between the time she arrived
23 and the time she was blowing her horn.

24 A No sir. I just heard her voice.

25 Q You heard her voice.

A Yes, she was blowing the horn out there.

- 1 Q What was she saying what you heard there.
- 2 A She told Willie she had to go to work and was he coming and
3 andssked what time it was and it was about fifteen minutes
4 to nine then.
- 5 Q Ad did Willie go out of the house to talk to her.
- 6 A He went to the door and he did not go out of the door.
- 7 QWhat did he say.
- 8 A He told her to go ahead.
- 9 Q At any time while you were there, did mr.Grimes leave the
10 inside of the house of Rachel Smith....Wilson.
- 11 A No, not while I was there.
- 12 Q When you left where did you go.
- 13 A I went home.
- 14 Q And your home is located next door.
- 15 A One house below Rachel.
- 16 Q One house between your house and her house.
- 17 A Right.
- 18 Q And you say across the street is where Mr Wilson was living.
- 19 A Yes.
- 20 QDid you see Mr.Grimes over at Richard Wilson's after you went
21 home.
- 22 A I would not be out there norlooking out the window sir. I
23 did not see him there.
- 24 Q You stayed home the rest of the night then.
- 25 A yes sir.

1 Q MR. JOHNNSON: That is all.

2 (The court took the afternoon recess at this time.
3 Time is 3:08 and the court recovened at 3:30 and the jury
4 is in open court.)

5 LUCILLE SHUFORD was called as a witness for the defendant, first
6 being duly sworn, testified as follows:

7 DIRECT BY MR. DETORRES:

8 Q Tell us your name.

9 A Lucille Shuford, 2940 12th Avenue Southwest in Hickory.

10 Q Do you know the defendat, Mr Grimes.

11 A Yes sir.

12 Q How long have you known him.

13 A Four years.

14 Q Directing your attention to the night of October 24, 1987,
15 were you home on that night.

16 A Yes sr.

17 Q And did you receive a phone call from Willie Grimes?

18 A Yes sir.

19 Q Do you recall approximately what time it was.

20 A No, I don't.

21 Q Do you remember it being in the evening of that day.

22 A Yes, it was dark outside. I don't know what time it was.

23 Q How long did you and he talk on the telephone.

24 A About fifteen minutes or so.

25 Q And did anyone come in your home while you were speaking to
him on the phone?

1 A Yes, my daughter came in the house. That is Carolyn Shuford.

2 Q Now Carolyn Shuford has testified here today.

3 A Yes sir.

4 Q When Carolyn came in she also spoke on the telephone to
5 Mr. Grimes, is that correct?

6 A Yes, she did.

7 Q What was the nature of your conversation with him.

8 A Well, he was calling for my son and he and my son were friends
9 and he wanted my son to take him to....

10 MR. JOHNSON: Objection.

11 COURT: Sustained.

12 Q Was he calling to find out if your son was there.

13 A Yes sir.

14 Q Now you are generally familiar with Mr. Grimes reputation
15 and character in the community.

16 A Yes sir.

17 Q What is his reputation.

18 A Well, he always come down to see me and he did not give
19 me any trouble or nobody else any. He did not live where I did
20 but he come down to see me and was real nice.

21 Q What kind of reputation does he have in the community.

22 A Well, fine.

23 Q As far as you know has he ever been associated with any crimes
24 or acts of violence?

25 A Not that I know of, no.

1 Q Do you know if he has a reputation for truthfulness?

2 A Yes sir.

3 Q Do you know where Rachel Wilson lives?

4 A Yes.

5 Q how far is your home from her house.

6 A I live down Sweetwater and she lives up at the Tate Boulevard.

7 She lives a good piece from me.

8 MR. DETORRES: All right.

9 CROSS BY MR. JOHNSON:

10 Q Let me be sure I understand you correctly. You said that
11 you don't know what time it was when this phone call came to
12 you from Willie Grimes

13 A No, I do not.

14 Q You don't have any way of knowin- where he was when he made
15 that phone call to you, do you.

16 A Well, he said he was at my daughter's house.

17 Q My question is, you dont know where he was.

18 A No sir.

19 MR. JOHNSON: That is all.

20 RE-DIRECT BY MR. DETORRES:

21 Q You do know that your other daughter, Carolyn Shuford, came
22 in while you were on the phone talking to him?

23 A Yes.

24 Q And she has previously testified about what time that was.

25 A Yes sir.

1 MR. DETORRES: That is all
2 RICHARD WILSON was called as a witness for the defendant, first
3 being duly sworn, testified as follows:
4 DIRECT BY MR. DETORRES:
5 Q Tell us your name and address?
6 A 136 9th Street Southeast.
7 Q Your name?
8 A Richard Wilson.
9 Q Do you know Willie Grimes?
10 A Yes sir.
11 Q How long have you known him sir.
12 A Well, since about 1980.
13 Q Related to him in any way?
14 A No sir.
15 Q Now you have occasion to see Willie Grimes at your home
16 on the night of October 24, 1987
17 A Yes sir.
18 Q And what time was it when he came to your house that night?
19 A It was around nine.
20 Q And the purpose of his coming to your house.
21 A He came to pick up some money that he left with me.
22 Q And did he in fact pick up his money.
23 A Yes, when he left there. Some of the money he had asked me
24 to keep for him.
25 Q How far do you live in relation to Rachel Wilson's home.

- 1 Q About three doors up the street or three houses. Whatever
2 you call it.
- 3 Q On the other side of the street?
- 4 A Yes, the other side.
- 5 Q And where do you live in relation to Lib King.
- 6 A Right across the street.
- 7 Q How long had you been at your home before Mr Grimes arrived
8 there.
- 9 A I just drove up in fact and I just got out.
- 10 Q And you had your own automobile.
- 11 A Yes sir.
- 12 Q How long was Mr Grimes at your home.
- 13 A Just a few minutes.
- 14 Q Did he then leave your house?
- 15 A Yes, he did.
- 16 Q And do you know where he went from there.
- 17 A He went back to Rachel.
- 18 Q Did you at any time go over to Rachel house that evening?
- 19 A No, I didnot.
- 20 Q Now are you familiar with the reputation and character of
21 Mr Griems
- 22 A Yessir.
- 23 Q Are you familiar with his reputation and character in the
24 general area of where he lives?
- 25 A Yes sir.

- 1 Q And what is his reputation and character?
- 2 A It is a very good person and he has never been raising
3 any sand at me.
- 4 Q You never heard of hi committing any violent act.
- 5 A No.
- 6 Q You ever known him to get in fights.
- 7 A NO.
- 8 Q Are you familiar with his reputation for truthfulness?
- 9 A As far as I know he has always been truthful.
- 10 MR. DETORRES: That is all.
- 11 CROSS BYMR. JOHNSON:
- 12 Q Mr. Wilson?
- 13 A Yes sir.
- 14 Q Have you been out somewhere that night?
- 15 A Yes, I had.
- 16 Q Where had you been sir.
- 17 A Junk yards hunting parts.
- 18 Q How long had you been away from your home.
- 19 A Well, I had been there around seven and left to go hunt
20 some parts.
- 21 Q Daylight when you left.
- 22 A It was about dark.
- 23 Q Was it dark when you got back?
- 24 A Yes sir.
- 25 Q What kind of parts were you hunting sir?

- 1 A Windshield wiper motor.
- 2 Q Was this a junk yard business you went to.
- 3 A I went to several of them.
- 4 Q They normally open at seven on Saturday night.
- 5 A I had been looking before seven and I checked out a few
- 6 that I might could get after seven.
- 7 Q What junk yards did you go to sir
- 8 A I went to the one on Startown Road and let's see...I went
- 9 to the one off 40 on Sweetwater and that was it.
- 10 Q And you say that you left your home about seven.
- 11 A Yes.
- 12 Q Anyone with you.
- 13 A No.
- 14 Q You went down Startown Road.
- 15 A Yes.
- 16 A Is that all the way to Startown or where is that sir.
- 17 A That is in Startown.
- 18 Q In Startown.
- 19 A Yes, go Startwon and make the right on 10 and come to 18.
- 20 Q What time did you get to that junk yard down there sir.
- 21 A Well, it was after seven. I don't remember what time it was.
- 22 Q How much driving time is there from your home uptown at
- 23 Hickory and the Startown junk yard sir.
- 24 A About fifteen minutes I guess.
- 25 Q How long did you stay at the junk yard.
- A Long enough to find out they were not opened.

- 1 Q And then you went to what junk yard.
- 2 A Carpenters.
- 3 Q Where did you say that is located.
- 4 A That is off of or beside of 40 off Sweetwater Road below
- 5 the sales barn.
- 6 Q That is back then here nearer to Hickory.
- 7 A Yes.
- 8 Q How long did it take you to get from Startown to Sweetwater.
- 9 A I' say about ten or fifteen minutes.
- 10 Q How long did you stay there.
- 11 A Just long enough to find out that he was closed
- 12 Q Then you went home.
- 13 A Not straight back.
- 14 Q Where did you go then.
- 15 A I went over to "F" avenue to my sons.
- 16 Q Over to your sons' house.
- 17 A Yes.
- 18 Q On "F" Avenue in Hickory?
- 19 A Yes.
- 20 Q What time did you get there sir.
- 21 A Frankly I don't exactly know the time I got there sir.
- 22 Q Do you know how far your son lives from Willie Grimes and
- 23 where he was living .
- 24 A That is not too far.
- 25 Q Was your son home?

- 1 A Yes, he was home.
- 2 Q Did you visit with him?
- 3 A Yes I se t there a little while.
- 4 Q You don't know what time it was when you got there.
- 5 A It had to be about eight for the eight p'clock movie was
6 on.
- 7 Q And after this visit with your son, you went somewhere else.
- 8 A I went home sir.
- 9 Q How far does your son live away from your home.
- 10 A Not far. Just right across Tate.
- 11 Q How long did it take for you to get home.
- 12 A Just a few minutes. That light holds you up longer than
13 anything else.
- 14 Q I take it from what you are saying that you didn't check
15 your watch at the time that you arrived at your son's house.
- 16 A I didn't check my wa-ch.
- 17 Q When you say you stayed there, you did not time yourself to
18 see how long you stayed.
- 19 A No, not really. I know what time I got home is what I am saying.
- 20 Q How do you know what tie you got home sir.
- 21 A I I looked at the clock when I walked in.
- 22 Q What did the clock say when you walked in sir.
- 23 A it was a little to nine. Not exactly nine at the time.
- 24 Q How long had you been home before Mr. Grimes came in sir.
- 25 A Just had driven up in the yard like I told you sir.

- 1 Q So he went in with you.
- 2 A He came shortly behind me.
- 3 Q Do I understand that you were not wearing a wrist watch.
- 4 A No, I was not wearing a watch.
- 5 Q You didn't have a clock in your car
- 6 A Not in the car.
- 7 Q Where is the clock in your house that you looked at when
- 8 you went in sir.
- 9 A Right on top of the television.
- 10 Q Anyone in the house at the time that you got there except
- 11 for yourself .
- 12 A No, just me.
- 13 Q When Mr. Grimes came over, did he come in
- 14 A Yes, he came in behind me.
- 15 Q And how long did he stay there sir
- 16 A Just a few minutes. Just long enough to get his money.
- 17 Q You say that you were holding some money for him.
- 18 A Yes, some of that he gave me to hold for him.
- 19 Q When did he give you the money to hold for him sir.
- 20 A That was that day on Friday evening.
- 21 Q On a Friday evening.
- 22 A I think on Friday, yes.
- 23 Q That same week.
- 24 A Yes sir.
- 25 Q You know why he gave you the money to keep for him from Friday
to Saturday?

- 1 A I think he said wanted to pay his rent or soemthing.
- 2 Q What time on Friday was it that he gave you the money.
- 3 A It was Friday afternoon. Around six I would say.
- 4 Q What condition was he in then sir.
- 5 A He was just like drinking some.
- 6 Q Was he intoxicated.
- 7 A No.
- 8 Q Was he planning on gambling or something with the money.
- 9 A To my knowledge he wanted me to hold the money to pay his
10 rent with.
- 11 Q And you din't have any type of arrangement with the lady
12 that she was living with to hold the rent money did you.
- 13 A He told me to keep it for him.
- 14 Q Did that happen often.
- 15 A Well, not too often.
- 16 Q How much money did he leave with you sir.
- 17 A Eighty dollars.
- 18 Q Did you see him any other time that week.
- 19 A I can not recall. Tha has been too long ago now.
- 20 Q But you recall with a clear reoclection that you gave him
21 the money back on that Saturday night.
- 22 A Yes sir.
- 23 Q How is it that you are able to recall that so clearly sir.
- 24 A he gave me the money to hold on Friday and he got it back on
25 Saturday night.

1 Q How is it that you are able to remember that is the day
2 that he got the money from any other day on a weekend.

3 A I just remember that.

4 Q What was different from October 23, Friday, from October
5 16, or from October 30th in your mind sir.

6 A Pardon.

7 Q Was...what is there about Friday October 23, that makes
8 that day when he gave you the money stick out in your mind
9 as to any other Friday in that month.

10 A I dn't know .

11 Q Had you talked about this case with Rachel Wilson.

12 A No.

13 Q Have you talked about the case with Lucy Shuford or Lib King.

14 A No.

15 Q Carolyn Shuford-

16 ANo.

17 Q Brenda Smith.

18 A No.

19 Q The defendant?

20 ANo sir.

21 Q Have you talked to Mr Detorres about what you testified about
22 here today.

23 A Yes I talked to his lawyer.

24 Q When did you do that sir.

25 A When I found out that he was wanting to see some of us about
this thing.

- 1 Q After Mr. Grimes was in your home and you gave him the
2 money, what did you do.
- 3 A What did I do?
- 4 Q Yes?
- 5 A I set around there a while.
- 6 Q In your home.
- 7 A Yes.
- 8 Q Were you watching television?
- 9 A Yes, I made the fire and watched television.
- 10 Q Made a fire and watched television?
- 11 A I made a fire and then watched television
- 12 Q Did you see Mr. Grimes again after he went out of your door
13 of your house with his eighty dollars?
- 14 A No, not that I recall.
- 15 Q You don't know of your own knowledge where he went when he
16 left your home do you sir.
- 17 A He went to Rachels.
- 18 Q How do you know that he went there sir. Did somebody tell you
19 that sir, is that how you know that.
- 20 A I am sure that he went to Rachels.
- 21 Q You are sure that he went there. Did you see him go to Rachels?
- 22 A Well, I saw him go down the road to Rachels. He left going
23 that way.
- 24 Q You started a fire because it was cold that night, did you not sir
- 25 A Yes sir.

- 1 Q Did you not also close your front door when Mr. Grimes went
2 out of the front door or whatever door that he went out of?
- 3 A Yes, I guess I did.
- 4 Q MR. JOHNSON: That is all.
- 5 RE-DIRECT BY MR DETORRES:
- 6 Q You talked to me about this case.
- 7 A Yes.
- 8 Q And what you told me then is basely what you have told to
9 the jury today and the court.
- 10 A Yes.
- 11 Q And you have any reason for not telling the truth here today.
- 12 A I am telling the truth.
- 13 Q Now the district attorney has made some point of why you
14 would remember thenight of the 24th OfOctober, 1987. You knew
15 Mr Grimes at that time.
- 16 A ys sir.
- 17 Q And you heard that he was charged with this offenses?
- 18 A Yes, I heard that he was charged.
- 19 Q And you heard that he was charged with these crimes that
20 occurred on the 24th of October, didn't you.
- 21 A Yes sir.
- 22 Q And so you knew that whatever inforation that you had about
23 the 24th Of October was important, did you not sir.
- 24 A Yes sir.
- 25 Q and is that the reason that you remember that night.
- A Yes, it is.

1 MR. DETORRES: That is all.

2 RE-CORSS BY MR. JOHNSON:

3 Q You know Officer Steve Hunt?

4 A Yes.

5 Q And did you think that the inofmratin you had was important
6 enough to tell Officer Hunt about it.

7 A What information.

8 Q Did you think the information that you have shared with MR
9 Detorres and us here today was important enough to tell Mr.
10 Hunt about.

11 A No, I was not telling anybody

12 Q You didn't tell him anything, did you.

13 A No, I didn't tell Steve that.

14 Q That you

15 MR. JOHNSON: That is all

16 WILLIAM ROBINSON was called as a witness for the defendant,
17 first being duly sworn, testified as follows:

18 DIRECT BY MR. DETORRES:

19 Q Would you tell us your name please.

20 A William Robinson, 708 "F" Avenue Southeast.

21 Q In Hickory?

22 A Yes.

23 Q And do you know Willie James Grimes?

24 A Yes sir.

25 Q How long have you known him sir?

- 1 A Five or six years.
- 2 Q Are you related to him in any way?
- 3 A No, I am not sir.
- 4 Q Did you have the occasion to be home on the night of the
5 24th Of October 1987.
- 6 A Yes.
- 7 Q And did you later have the occasion to be in the home of Rachel
8 Wilson on that same night.
- 9 A Yes, I did.
- 10 Q And approximately what time did you arrive at her home.
- 11 A I would say couple minutes after nine.
- 12 Q When you arrived at the Rachels Wilson home, after nine,
13 who was in the home.
- 14 A I know in fact that Lib King was there and Carolyn Shuford
15 was leaving as I came in the door.
- 16 Q Was Rachel Wilson there.
- 17 A Yes, she was there.
- 18 Q Were her children there.
- 19 A Yes, they were.
- 20 Q How do you know it was a few minutes after nine when you arrived
21 there.
- 22 A Because I was lying on the couch and my wife was putting
23 a ham on to boil the ham and her biggest pot was too small for
24 the ham and she asked me to go borrow a pot from Rachel.
- 25 Q Did she indicate what time it was then?

- 1 A I asked her the time for I was planning on being there
2 at 9:30.
- 3 Q At your house.
- 4 A yes
- 5 Q When you saystrike that. You went to Mrs Wilson house
6 to borrow a pot then.
- 7 A Right.
- 8 Q And did you in fact borrow the pot.
- 9 A yes, I did.
- 10 Q How long were you there at Rachel Wilsons before you left.
- 11 A Right then I guess, I was there five or ten minutes or so and
12 Willie Grimes come in from across the street and we wait around
13 there and so I had some liquor in the truck and I told him that
14 I would carry the pot home and come back and have a couple of
15 drinks.
- 16 Q And what time was that.
- 17 A Quarter of nine.
- 18 Q And how long were you at your home before you went back to
19 Rachels Wilson.
- 20 Couple of minutes. Long enough to put the pot down.
- 21 Q Did your wife stay at home to tend to the home.
- 22 A Yes sir.
- 23 Q What time did you get back to Rachel Wilson's house.
- 24 A I would say it took me ten minutes to go home and come back.
- 25 Q So you would have been there before 9:30.
- Q Somewhere in there.

- 1 Q Now how long did you then stay in her house.
- 2 A To a couple of minutes after twelve midnight.
- 3 Q When you say twelve, you mean midnight.
- 4 A Yes
- 5 Q Did you then return to your home.
- 6 A Yes.
- 7 Q Now during that period of time that you were at Rachel
8 Wilson house, was Willie Grimes there all the time.
- 9 A Yes, he was. We were sitting right there together.
- 10 Q He was there when you arrived.
- 11 A Yes.
- 12 Q And he was there when you first left to go to your house.
- 13 A Yes
- 14 Q And he was there when you returned.
- 15 A Yes.
- 16 Q And he was there when you left at midnight or about that.
- 17 A Yes.
- 18 Q Do you remember Mr. Grimes made a phone call that night?
- 19 A Yes, he did two or three calls.
- 20 Q And did you talk on the phone also.
- 21 A Yes, I talked to Lucille Shuford and I talked to Betty Shuford
22 for she called Willie there.
- 23 Q You talked to both Lucille and Betty Shuford that night.
- 24 A Yes sir
- 25 Q Was that part of the conversation or the same call as that of
Mr. Grimes?

- 1 A No.
- 2 Q Did you at any time talk to anyone on the phone after Mr.
3 Grimes had talked to someone on the phone.
- 4 A Yes, just those two.
- 5 Q Mr Grimes talked to Lucille Shuford and you talked to her
6 as part of the same phone call.
- 7 A Right.
- 8 Q And then you talked to Betty Shuford.
- 9 A Yes.
- 10 Q And Mr. Grimes talked to Betty Shuford?
- 11 A She called and I was sitting close to the phone and as I
12 answered it she asked to speak to him.
- 13 Q And so then Mr Grimes talked on the phone.
- 14 A Yes.
- 15 Q and that is the call from Betty Shuford.
- 16 A Yes.
- 17 Q Do you recall the nature of your conversation when you
18 called Lucille Shuford.
- 19 A Not exactly, just talking. I picking at her all the time
20 and telling her that I love her.
- 21 Q Was any inquiry about Allen shuford made on the phone.
- 22 A Yes. Willie Grimes was wanting to get in touch with Allen
23 shuford for him to carry him down to Shelby the next morning,
24 on Sunday morning.
- 25 Q After midnight when you left, didou go home by yourself?

- 1 A Yes sir.
- 2 Q And while you were there at Rachel Wilson house, you indicated
3 that you had some liquor in your car.
- 4 A Yes.
- 5 Q Did you drink that liquor.
- 6 A Yes sir.
- 7 Q How much liquor did you drink?
- 8 A I don't know how much.
- 9 Q How much liquor did you have?
- 10 A A fifth.
- 11 Q Okay. Was that totally consumed?
- 12 A No, it was not all gone.
- 13 Q Who else was drinking from that bottle.
- 14 A Me and Willie Grimes.
- 15 Q Were you the only two.
- 16 A Yes sir.
- 17 Q Was that a full bottle when you brought it there.
- 18 A Yes sir.
- 19 Q Did you see Willie Grimes the next morning.
- 20 A Sure did.
- 21 Q Where was that?
- 22 A Well, I got up to go wash my car. Me and my wife were going
23 to church and I stopped by Rachel Wilson's house and he was there.
- 24 Q Do you recall approximately what time in the morning this was?
- 25 A Not exactly but somewhere around seven or 7:30. Somewhere in the

- 1 Q And you talked to him at at that time.
- 2 A Yes, I did
- 3 Q Did you notice anything unusual about his appearance that
4 morning.
- 5 A No sir.
- 6 Q Do you remember what he was wearing?
- 7 A No.
- 8 Q You remember if he was wearing the same clothing that he had
9 on when you saw him the night before?
- 10 A I could not say definitely about that.
- 11 Q Mr Grimes ask you for a ride that following morning on Sunday.
- 12 A Yes sir.
- 13 Q And where did he want to go.
- 14 A He was going over to Brenda Smith's house.
- 15 Q And how far did Brenda Smith live from your house?
- 16 A About three blocks.
- 17 Q And how far is your house from the home of Rachel Wilson?
- 18 A I can count them. One, two, three, four , five six, seven
19 blocks.
- 20 Q Did you in fact take Mr Grimes back to Brenda Smith's house.
- 21 A No, I didn't. We met her as soon as he got in the car.
- 22 Q You meet her, Brenda Smith.
- 23 A Yes.
- 24 Q When you met her, what happened.
- 25 A He got out of my car and got in her car.

- 1 Q That was the last time that you saw Willie Grimes on that
2 weekend.
- 3 A I seen him that next morning.
- 4 Q And where was that.
- 5 A He was riding with Allen Shuford.
- 6 Q And that was on Monday morning.
- 7 A Allen was carrying him to work he said.
- 8 Q NOW ARE you generally familiar with the character and
9 reputation of Mr Gimes in the community.
- 10 A Yes, I am.
- 11 Q What is that character and reputation in the community?
- 12 A Well, as long as I have known him I never known him to have
13 been in but two fights and he didn't start them and he lost
14 both of them.
- 15 Q When you say that he didn't start those. Did somebody attack
16 him.
- 17 A That is right.
- 18 Q Does he have a reputation for violent in that community?
- 19 A Not as I know of, no sir.
- 20 Q Does he have a reputation for criminal activity?
- 21 A No sir.
- 22 Q Do you know if he owns an automobile.
- 23 A I don't think so. As far as I know he does not.
- 24 Q What is his reputation for telling the truth.
- 25 A Well, I really don't but as far as I know he never told me
any lie.

1 Q Have you ever known him to tell anybody a lie.

2 A Not that I know of.

3 Q Now what makes you remember these times back on October
4 24, 1987 sir.

5 A Because just like I said, I was at Rachel Wilson's house
6 and that was into Sunday morning from that Sturday night.
7 I went to wash my car on Sunday and Linda McDowell called
8 over there and was telling us that Willie Grimes had raped
9 a woman latst night.

10 Q What was your reaction to that.

11 A I could not believe it. At the time I could not believe it
12 but I did not know what time it was suppose to happened but
13 after I found out the time, I knew it could not be him. He
14 was at the house there with us.

15 MR. DETORRES: All right.

16 CROSS BY MR. JOHNSON:

17 Q Mr. Robinson?

18 A Yes sir.

19 Q Is it common for you to go over to Rachel Wilson's house
20 and do some drinking?

21 A Well, she a friend of mine.

22 Q Does that mean the answer is, yes?

23 A I think so.

24 Q And not just you but other people come there for the same
25 purpose, is that right.

- 1 A. That is not correct.
- 2 Q Were you and Willie Grimes the only two people that were
3 drinking on that Saturday night.
- 4 A Best of my knowledge.
- 5 Q You didn't see anybody else drinking?
- 6 A I didn't see anybody else drink anything.
- 7 Q Was there any cooking going on.
- 8 A No, I don't think so.
- 9 Q Everyone just standing around talking.
- 10 A Me and him was sitting at the table in the kitchen and rest of
11 them in the living room.
- 12 Q What were you and Willie Grimes talking about or doing at
13 the kitchen table.
- 14 A Talking.
- 15 Q You remember what you talked about.
- 16 A Not exactly.
- 17 Q You remember generally what you talked about?
- 18 A Not exactly, no.
- 19 Q Do you remember generally exactly what you talked about.
- 20 A No, I do not remember anything that we talked about.
- 21 Q You don't have any notion what you talked about that night?
- 22 A Not really, no.
- 23 Q Had you seen Willie Grimes any other time that week beside
24 that Saturday night?
- 25 A No, I sure had not.

1 Q Had you had anything to drink before you went over to Rachel
2 Wilson's house that night?

3 A No, I had not.

4 Q You say that the....you say you live three blocks from your
5 house to Brenda Smith's house.

6 A That is about right.

7 Q You say that it is seven blocks from your house to Rachel
8 Wilson's house.

9 A Right.

10 Q Are they in a straight line.

11 A No, I live between them.

12 Q Going from Rachel Wilson's to Brenda Smith's house, would it
13 be necessary to go directly by your place or is there another
14 short cut or shorter route.

15 A There is a shorter route if you walking it.

16 Q It would not be seven plus three or ten blocks from Rachel
17 Wilson house to Brenda Smith's house if you were walking , is
18 that right.

19 A May be you cut off about a block by taking a short cut but
20 if you are driving you got to come round the red light and go
21 right back by my back door.

22 Q You say when you were first over at Rachel's Wilson's house
23 that night that Mr. Grimes was talking about catching a ride
24 back to Brenda Smith's.

25 A Yes sir.

- 1 Q But he did not go to Brenda Smiths.
- 2 A No, because I asked did he want to take a drinkwith me.
- 3 Q Youare the one that talked him into drinking and not going
4 back to Brenda Smiths.
- 5 A Well, I don't know about that. I was not going thriere to
6 drink nothing and I told him that I had the bottle in the car
7 and I would go home and be right back. I did not talk him
8 out of nothing.
- 9 Q When you told him that you would be right back, did you tell
10 him that you would be right back to drink or be right back
11 to take him over to Brends Smiths?
- 12 A I would be right back to do some drinking.
- 13 Q What he say.
- 14 A He said, okay.
- 15 Q Now when you say he made some phone calis, did you hear
16 any of the coversations that he had with other people when
17 he mad the phone calls?
- 18 A I heard a few things was talking about to Lucille Shuford and
19 I didn't pay any attention to the rest of them.
- 20 Q Did youhear any voices that were suppose to be Brenda
21 Smith speaking.
- 22 A No, I didn't hear those.
- 23 Q Did you hear Mr Grimes ask anyone else to give him a ride
24 any where?
- 25 A No, I did not.

- 1 Q When you left at midnight or shortly after that, Mr Grimes
2 was still at the Wilson house.
- 3 A Yes he was.
- 4 Q Did he ask you for a ride anywhere at that time.
- 5 A No, he did not.
- 6 Q He stayed behind.
- 7 A Yes.
- 8 Q He...even though you were going back to your home what is about
9 three blocks from the Smith home.
- 10 A Right. See I know that he had already talked to Betty Shuford
11 and he had mind of going down there and that is why he didn't
12 ride back with me that night.
- 13 Q How do you know that he talked to Betty Shuford?
- 14 A I had been knowing that.
- 15 Q How do you know that he talked to Betty Shuford and had in
16 mind going down there that night.
- 17 A Because he talked to me and he told me he was going down
18 there to see Betty Shuford and was not going back to Brenda's
19 that night.
- 20 Q When did he tell you that.
- 21 A I told him I was ready to go and he said that then.
- 22 Q And when you left he was still there.
- 23 A Yes sir.
- 24 Q You came back to Rachel Wilson's house the next morning you say.
- 25 A Yes, and he was there then.

1 Q What if anything have you been convicted of in the last
2 ten years that is punishable by more than sixty days .

3 A I have been in jail one time and that is all for driving
4 under the influence, one time.

5 MR. JOHNSON: That is all.

6 BETTY SHUFORD was called as a witness for the defendant, first
7 being duly sworn, testified as follows:

8 DIRECTBY MR. DETORRES:

9 Q Tell us your name and address?

10 A Betty Shuford, 813 3rd Avenut Southeast.

11 Q In Hickory?

12 A Yes.

13 Q You know Willie James Grimes?

14 A Yes sir.

15 Q How long have you known him.

16 A Nine years.

17 Q Did you in that period of time date him.

18 A yes sir.

19 Q Back in October of 1987, were you and he still dating?

20 A No sir.

21 Q How long had it been since that that you all dated.

22 A Do what?

23 Q How long had it been since you and he dated .

24 A Well, that makes about two years.

25 Q At the present time, two years, to the last time you dated
him, is that what you are saying?

- 1 A Yes, but we still see each other but not talking to each other.e
- 2 Q And you are not dating him?
- 3 A He was staying with me and we broke up and he was still coming
- 4 back and forth and stayed with me at times
- 5 Q Back in October, that is October 24, 1987, where were
- 6 you driving that evening?
- 7 A I went over to the church that night.
- 8 Q Where is the church.
- 9 A Davis Chapel.
- 10 Q Who did you go to church with.
- 11 A Me and Mrs hunt.
- 12 Q After church did you return home.
- 13 A yes sir.
- 14 Q Approximately what time was that.
- 15 A About 11:00.
- 16 Q In the evening?
- 17 A Yes.
- 18 Q And how far do you live from the home of Rachel Wilson.
- 19 A Not too far.
- 20 Q And what is the relationship to you and Mrs Wilson.
- 21 A She is my sister.
- 22 Q And did you have the occasion to speak with Willie Grimes that
- 23 evening of October 24, 1987.
- 24 A Yes sir.
- 25 Q And how did you come to speak with him?

- 1 A Well, I had called him down there.
- 2 Q You called him at Rachel Wilson house.
- 3 A Yes.
- 4 Q And who answered the phone.
- 5 A Les.
- 6 Q That is who.
- 7 A The one that just testified from up here.
- 8 Q That is William Robinson.
- 9 A yes.
- 10 Q And who did you ask to speak with.
- 11 A Willie Grimes.
- 12 Q And how did you know that he was there.
- 13 A Well, Les told me he was there and I asked to speak to him.
- 14 Q Did you speak to Willie Grimes.
- 15 A yes sir.
- 16 Q Did you recognize his voice on the telephone.
- 17 A YES sir.
- 18 Q And this would have been some time around eleven at night.
- 19 A Yes sir.
- 20 Q How long did you and Willie talk.
- 21 A We talked for a long time.
- 22 Q Last more than an hour.
- 23 A it was I think close to forty five minutes.
- 24 Q Did he indicate he was wanting to come over to your house?
- 25 A Yes sir.

- 1 Q And what response did you give him.
- 2 A At first I told him, no. and then He told me he had something
3 to talk to me about and so I told him he could come up there.
- 4 Q Did you then see Willie Grimes at your home?
- 5 A Yes sir.
- 6 Q About what time did he come to your house?
- 7 A It had to be around 12:30.
- 8 Q That is 12:30 in the morning of Sunday morning?
- 9 A Yes sir.
- 10 Q That would have been in the morning of the 25th of October.
- 11 A Yes sir.
- 12 Q And when did you first see and where was he.
- 13 A When I first saw him?
- 14 Q Yes.
- 15 A he come to my house.
- 16 Q Was he at the door then.
- 17 A Yes, he knocked on the door.
- 18 Q Did yo let him in your home.
- 19 A yes sir.
- 20 Q And he asked you to spend the night there.
- 21 A Yes sir.
- 22 Q When he spent the night there, did he actually spend the
23 ngiht with you.
- 24 A He slept with me some but he slept in the chair at that time
- 25 Q He did not sleep with you?

- 1 A. Nos ir.
- 2 Q Who else was in your home with you at that time.
- 3 A Me and my two kids.
- 4 Q How old are they.
- 5 A Boy is five and my girl is nine.
- 6 Q Did you and Willie Grimes have a conversation when he arrived
- 7 at your home.
- 8 A He was talking to my and my kids.
- 9 Q What time did you go to bed.
- 10 A About one.
- 11 Q That is at one on the morning of the 25th.
- 12 A Yes.
- 13 Q Is that also when the children went to bed?
- 14 A Yes.
- 15 Q And where was MR Griems when you went to where you slept.
- 16 A He was on my saofa.
- 17 Q And where is your sofa located in the house.
- 18 A Living room.
- 19 Q And how far is that away from your bedroom?
- 20 A About from here to back there where Brneda sitting.
- 21 Q Did you see Willie Grimes any more after you went to bed.
- 22 A I got up about five to go to bathroom. My alarm went off at
- 23 five and he was still on the sofa then sir.
- 24 Q You saw him on your sofa at that time.
- 25 A Yes sir.

- 1 Q And how long was he in your home that next morning?
- 2 A I think that he left about seven.
- 3 Q Did he change his clothing at any time from the time you
4 saw him when he arrived to the time that he left?
- 5 A No sir.
- 6 Q Did he have any packages withhim?
- 7 A No sir.
- 8 Q Now when he left your home, did he leave by himself?
- 9 A Yes sir.
- 10 QAnd did you drive him any where?
- 11 ANo.
- 12 Q Did you see him leave and in what direction thathe left?
- 13 A No.
- 14 Q Did you have any way of knowing where he went when he
15 left the next morning?
- 16 A No.
- 17 Q Now you are generally familiar with Mr Grimes' character
18 and reputation in the community?
- 19 A Yes.
- 20 Q What is that character and reputation.
- 21 A He is all right.
- 22 Q Does he have a reputation for violence?
- 23 A No sir.
- 24 Q Have you ever seen him get into any violent confrontation
25 with anyone else?

- 1 A. No.
- 2 Q. Has he ever gotten into any violent arguments with you.
- 3 ANo.
- 4 Q. Are you familiar with his reputation for honesty?
- 5 A. I don't know.
- 6 Q. you are not familiar with his reputation for being honest?
- 7 A. He has been with me. I don't know about anybody else.
- 8 Q. Between you and he he has been honest with you.
- 9 A. We had a couple of fallings out.
- 10 Q. Now Carolyn Shuford is your siter?
- 11 A. Yes.
- 12 Q. And Rachel Wislon is also your sister?
- 13 A. Yes.
- 14 Q. And Lucille Shuford is your mother?
- 15 A. Yes.
- 16 Q. When you saw Mr. Grimes that evening, did he have any marks
- 17 or scratches or injured places on his face or arms or anything
- 18 like that.
- 19 A. I didn't pay no attention to any.
- 20 Q. Did you notice any such places?
- 21 ANo.
- 22 Q. Do you remember what he was wearing when he came to your
- 23 house that night?
- 24 A. No.
- 25 MR. DETORRES: I believe that will be all.

- 1 CROSS BY MR. JOHNSON:
- 2 Q The events you have told us about here in court today,
- 3 have you discussed those with Mr. Detorres prior to today?
- 4 A Do what.
- 5 Q Have you talked to Mr. Detorres about the things you have
- 6 testified about.
- 7 A Just then?
- 8 Q Yes?
- 9 A No.
- 10 Q You have not talked to him?
- 11 A No.
- 12 Q Have you talked to anybody else about them?
- 13 A No.
- 14 Q You have not even discussed what you were going to say with
- 15 your two sisters or your mother or anybody else .
- 16 A No sir.
- 17 Q You have not talked to Willie Grimes about it.
- 18 A No.
- 19 Q Have you talked with any officers about it.
- 20 A No.
- 21 Q You say in October that you were still seeing Mr Grimes off an
- 22 on, is that right.
- 23 A Yes.
- 24 Q Safe to say that you are still kind of sweet on him?
- 25 A Yes sir.

- 1 Q And at the time, the only time you had any communication
2 with him personally on the night of October 24, 1987, was some
3 time after eleven p.m., is that correct?
- 4 A Yes.
- 5 Q Was that by phone.
- 6 A Yes.
- 7 Q How is it that you are sure it was that night?
- 8 A Because everyone went to church and I come home and called
9 my sister's house.
- 10 Q That the only Saturday night you went to church?
- 11 A No, it is not.
- 12 Q And in fact you regularly went to church did you not on
13 Saturday night.
- 14 A Not regularly, no. Just when they had a program.
- 15 Q How often was there an event that you went to church on
16 Saturday night.
- 17 A The church anniversary was then.
- 18 Q So this was on a Saturday night that you went to church.
- 19 A Yes.
- 20 Q And that was the only Saturday night that you went in the Fall
21 of 1987.
- 22 A I go to church banquets on Saturday night.
- 23 Q How many of those did you go to on Saturday night in
24 August and September of 1987.
- 25 A You mean in those times?

- 1 A Would be two.
- 2 Q So this would be three times that you went to the church
3 in that time period.
- 4 A Yes.
- 5 Q But you are sure that the events you are talking about took
6 place on the night of October 24, 1987.
- 7 A I know it was.
- 8 Q What makes you sure it was that Saturday night and not some
9 other Saturday night.
- 10 A Because that Saturday night I went to church and I go over
11 and call my sister and he was there.
- 12 Q Did you call your sister on any other time when you came in
13 from church on a Saturday night.
- 14 A No.
- 15 Q What prompted you to call your sister that night.
- 16 A I asked....I just called to see what she was doing.
- 17 Q Well, did you speak to your sister?
- 18 A No.
- 19 Q Did you ask to speak to your sister?
- 20 A Yes, I did.
- 21 Q Did you ask the person that answered the phone to speak to
22 your sister?
- 23 A Yes, I did.
- 24 Q But you didn't get to talk to her.
- 25 A Because he told me that Willie was there.

1 Q Did you not ask him was Willie there before he told you that
2 Willie was there.

3 A No, he told me that Willie was there.

4 Q On your direct testimony, didn't you say that you asked
5 Mr Robinson if Willie was there and he told you that he was.

6 A Well, when I called, he told me that Woot was there and I
7 asked to speak to him but first I asked to speak to Rachel
8 and that is when he told me that Woot was there and wanted to
9 talk to me.

10 Q Mr Robinson is the one that was the person that brought up
11 Mr Grimes being there.

12 A Yes.

13 Q What was Mr. Grimes wearing when you saw him that night?

14 A I don't know what he was wearing sir.

15 Q Did you see Mr Grimes any other night that week?

16 A I think that I seen him on Monday night.

17 Q Monday night before this or after this Saturday night?

18 A Monday before that.

19 MR. JOHNSON: That is all.

20 MARY ELIZABETH FINGER was called as a witness for the defendant,
21 first being duly sworn, testified as follows:

22 DIRECTMY MR DETORRES:

23 Q Tell us your name.

24 A Mary Elizabeth Finger, Route 2, Box 831, Claremont.

25 Q And do you know Willie James Grimes here?

1 A. Yes, I do.

2 Q And how long have you known him?

3 A. Since last year.

4 Q Some time in 1987.

5 A. Yes.

6 Q And what is your relation to him, if any.

7 A. I just know him as a friend.

8 Q Are you related to Brenda Smith?

9 A. Yes.

10 Q What relation is that.

11 A. Cousin to her mother.

12 Q Now on Saturday night, October 24, 1987, did Brenda Smith
13 and Mr Grimes come to your home.

14 A. Yes.

15 Q And that is your home in Claremont?

16 A. Yes.

17 Q And approximately what time of the day did they arrive?

18 A. Around five.

19 Q. Five in the afternoon?

20 A. Yes.

21 Q And how long were they at your home?

22 A. Just long enough to set down and eat their food and left
23 about eight.

24 Q When you said long enough to eat their food. Did they bring
25 food with them?

- 1 A Yes.
- 2 Q You recall what it was.
- 3 A Shrimp and lobster I think it was.
- 4 Q Was there...was this food that was already prepared and
5 cooked?
- 6 A Yes,
- 7 Q Now who else was at your home.
- 8 A No one except me and my son came later and my sister and
9 they left out.
- 10 Q Now how do you know they arrived at your home about five
11 that date.
- 12 A Because I was cooking supper.
- 13 Q Would that be the general time that you would cook supper.
- 14 A Yes.
- 15 Q And how do you know it was about eight at night when they left.
- 16 A Because I looked at the clock to see.
- 17 Q Now what did you all, the three of you, do in that time.
- 18 A Just set and talked around the table.
- 19 Q And they all had food to eat.
- 20 A Yes.
- 21 Q Did you eat any food they brought or did you eat your food.
- 22 A Food that I prepared. They brought enough for themselves only.
- 23 Q Had Mr Grimes ever been to your home before?
- 24 A He came one time to help pick some beans he bought from my
25 husband.

1 Q Now what makes you remember that this occurred on Saturday
2 the 24th of October 1987.

3 A I was home and I was working and just come in and they come
4 in the time I got inside to cook supper.

5 Q After the date they were there, did you hear that Mr.
6 Grimes had been charged with these crimes?

7 A Yes. I don't take the paper and she saw it in the paper, Brenda
8 did.

9 Q Did you know that time when it was suppose to have happened.
10 A No, I did not.

11 Q Do you know what kind of reputation Mr Grimes has in the
12 community.

13 A Well, as far as I know he is a nice person and friendly.

14 Q Has he ever committed any violent act to your knowledge?

15 A No sir.

16 MR. DETORRES: Thank you.

17 CROSSB YMR JOHNSON:

18 Q Mrs Finger, while Brneda Smith and Mr. Grimes was at your
19 home in Claremont, did any visitors come over there.

20 A No, no one but my sister and my son.

21 Q Your sister is who.

22 A April Jean Merritt and she lives across the street from me.

23 Q Were they still there when Mr Grimes and Mrs Smith left.

24 A Yes sir.

25 Q Dhtey were there a while that night then?

1 A. They stayed a little while because she had to go home also.

2 Q. Did anybody do any drinking at your place while Mr Grimes
3 and Mrs Smith were there.

4 A. Well, we had a few drinks. Something like a night cap.

5 Q. What kind....what condition did you observe Mr Grimes to be
6 in while he was at your home.

7 A. He was nice. He was not high.

8 Q. You recall how he was dressed that night.

9 A. He had on brown trousers and kind of a brown jacket.

10 Q. You remember anything else beside that; the shirt or sweater
11 or anything like that.

12 A. I think he had on a green strip shirt.

13 Q. You say Mr Grimes and Mrs Smith brought some food with them.

14 A. Yes.

15 Q. And they ate that while they were there.

16 A. Yes sir.

17 MR. JOHNSON: That is all.

18 ALVISTA VINSON was called as a witness for the defendant first
19 being duly sworn, testified as follows:

20 DIRECT BY MR. DETORRES:

21 Q. Tell us your name and address.

22 A. Alvista Vinson and I live in Lawndale, Route one.

23 Q. And in that in Cleveland County?

24 A. Yes.

25 Q. Do you know Willie Grimes?

- 1 A Yes sir.
- 2 Q How do you know him?
- 3 A Well, he is my cousin.
- 4 Q And how long have you known him?
- 5 A Every since he was born.
- 6 Q You are older than he is, is that correct?
- 7 A Yes, I am. I am old enough to be his mother.
- 8 Q You were not in Catawba County on the night of October 24,
- 9 1987, were you.
- 10 A No, I was not.
- 11 Q Now the time that you have known Willie Grimes, does he had
- 12 any reputation for violence.
- 13 A No, none.
- 14 Q Has he ever as far as you know been in any problem with the
- 15 law.
- 16 A No sir.
- 17 Q What is his general character.
- 18 A Well, he has a good character as far as I know.
- 19 Q Were you familiar with his mother.
- 20 A Yes, she was my daddy's sister.
- 21 Q And did he take care of his mother in her later years.
- 22 A Yes.
- 23 Q What is Mr Grimes reputation for honesty.
- 24 A Well, he is a honest fellow.
- 25 Q When did you first hear about these charges that were brought
against him?

1 A Well, I guess right in November.

2 Q And did...what did you think when you heard the charges?

3 MR. JOHNSON: Objection.

4 COURT: Sustained.

5 MR. DETORRES: That is all.

6 MR. JOHNSON: No questions.

7 SAMMIE LOU VINSON was called as a witness for the defendant,
8 first being duly sworn, testified as follows:

9 DIRECT BY MR. DETORRES:

10 Q Tell us your name and address .

11 A Sammie Lou Vinson, Lawndale.

12 Q That is in Cleveland County.

13 A That is about eight or ten miles inside of Cleveland County.

14 Q Now you know the defendant here, Mr Grimes?

15 A Yes, I do.

16 Q And how do you know him .

17 A Because he is my cousin.

18 Q How long have you known him.

19 A Every since he was born.

20 Q You are older than he is.

21 A Yes, I am.

22 Q Were...without telling me how long....

23 A How old I am?

24 Q No, that is fine. Since you have known him what has been his
25 general character and reputation in the community sir.

1 A Well, as far as I know about him he always been a calm person
2 and has no problems for anybody and he would come around and
3 play pool with my daddy and he would come and set all night
4 and talk.

5 Q You ever known him to be a violent person

6 A No sir.

7 Q Since you have known him as he been a truthful individual.

8 A Well, when I was around him he was a truthful person as far
9 as I know in my dealings with him.

10 Q Have you ever known him to lie to anyone.

11 A No.

12 Q What is your relationship to the person that testified before
13 you.

14 A That is my sister.

15 Q And likewise you were not here in Catawba County on the
16 night of October 24, 1987.

17 A No sir.

18 MR. DETORRES: That is all.

19 CROSS BY MR. JOHNSON:

20 Q How long have you lived in Lawndale.

21 A Oh, about sixty five years.

22 Q Safe to say that Mr. Grimes is from that area?

23 A yes, he was raised there .

24 Q How long has it been since he lived in Lawndale?

25 A I don't know but it was in the 70s.

Q He has been away from your community for a number of years then.

1 A Yes sir.

2 MR. JOHNSON: That is all.

3 ROBERT VINSON was called as a witness for the defendant, first
4 being duly sworn, testified as follows;

5 DIRECT BY MR. DETORRES:

6 Q Tell us your name.

7 A Robert Vinson, Route 2, Lawndale.

8 Q Are you married to Sammie Lou Vinson

9 A Yes

10 Q And you know the defendant Mr. Grimes?

11 A Yes.

12 Q You now...how long have you known him .

13 A Every since he has been in this world.

14 Q How long have you and your wife been married?

15 A About 42 or 43 years.

16 Q In the time that you have known Mr Grimes, have you every
17 known him to have a reputation for violence?

18 A No sir.

19 Q Have you ever known him to take part in criminal activity?

20 A No sir.

21 Q Are you familiar with his character?

22 A No sir.

23 Q Has he been honest in his dealings with you.

24 A He has not been around since some time ago. I don't know
25 how long but he come up here to these parts.

1 Q Since you have known him has he been honest with you.

2 A Yes

3 Q Has he ever lied to you.

4 A No.

5 Q As far as you know he has a good reputation.

6 A Yes.

7 Q MR. DETORRES: That is all.

8 MR. JOHNSON: NO questions.

9 WITNESS: Willie Grimes has always been honest and
10 a good fellow as far as I know.

11 MR. DETORRES: You may come down sir.

12 COURT: Members of the Jury, in view of the hour, we
13 will recess now until in the morning at 9:30. Do not talk
14 about these matters nor allow anybody to talk to you about
15 them. Do not read, listen to nor watch any news media coverage
16 of these matter if there is any. Do not form any opinion about
17 these matters. You may go now and come back at 9:30 in the
18 morning.

19 (The jury left and the court recessed at 4:55 p.m.)

20 July 8, 1988: Morning session of the court:

21 (The jury is in open court.)

22 WILLIE JAMES GRIMES, the defendant, was called as a witness in
23 his own behalf, first being duly sworn, testified as follows:

24 DIRECT BY MR. DETORRES:

25 Q Tell us your full name and address?

1 A Willie James Grimes. My address is 35th Street Southeast
2 in Hickory.

3 Q How long have you lived there.

4 A Approximately a year at the time.

5 Q Mr Grimes, going back to the morning of October 24, 1987,
6 where were you sir.

7 A I was at the residence of Brenda Smith which was the place
8 that I lived myself at the time.

9 Q And where she lived.

10 A Yes.

11 Q How long had you lived there.

12 A I lived there for about one year.

13 Q And did you pay expenses for living there.

14 A Yes, I did. I paid the rent eah month there.

15 Q Starting when you got up on the morning of the 24th, tell us
16 what you did?

17 A Well, I was in the bed at the time when she had come in from
18 work and that was about twenty five past seven. So she come in
19 the door and asked me what would I get up and go with her to
20 the post office to have some birth certificates and death
21 certificates made up. So I told her yes, I would. So I got
22 up and I went in there and took a wash off and shaved and got
23 ready to go to the post office with her. So we left and went
24 up to the post office and had three birth certificates made up
25 and one death certificate. So we returned to the house for a

1 short time and then she mentioned about going down to her
2 cousins, Lib Finger house. So I told her I would ride with
3 her but I needed to go to Lawndale if Richard Wilson would
4 take me and....

5 Q Let me stop you there. When you said that you went to the
6 post office to get some birth certificates and death certificates.

7 A Yes.

8 Q Were those copies.

9 A Yes, made on the copy machine there.

10 Q Tat was soething she was copying?

11 A Yes.

12 Q Go ahead.

13 A So we returned to her house and she made a coupe of sandwiches
14 and I drunk a cup of coffee. So we left and went over to a
15 friends house first, Mrs Carson. We set over there about an
16 hour or hour and half talking to her. Then she chcked back
17 by the house to check on the kids beforw went to Claremont.
18 At that time we reutnred bck to her house and I stated to her
19 I would like to make a phone call to Richard Wilson to see was
20 Richard home so at that time I called over to Richard Wilson
21 house and one of the friends looked out the door and saw that
22 his car washome and se I told Brenda I would like to go by there
23 first to see if I could catch him at home but at that time
24 it was probably alittle after two or three. And we went to
25 Berlin in East Hickory and I went down to his house and he was
not home. He had gotten his truck fixed and was driving it

1 instead of his car. I then returned back to Rachel Wilson
2 house and she had gone to work at that time and got me one beer
3 out of the frig and got back in the car with Mrs Smith. Then
4 we went on our way to Claremont. On the way to Claremont we
5 stopepd in Newton at that Winn Dixie Store and we got a large
6 pepsi cola and seafood cocktail and seafood was shrimp and
7 crab meat. We then left there. They cooked that in the store
8 and after getting that we reuturned back to the car and I
9 thought about some more meat that I neded cooked and Rachel
10 Wilson was going to cook for me on Sunday. So I returned back
11 in the Winn Dixie and got two packages of hog meat. Then I
12 returned back to the car and continued on down to Claremont
13 to Mrs Finger's house. We got down there at approximately ten
14 minutes to five or five and so we set there and talked for
15 a while and a while after being there we warmed back up the
16 food and ate it and Lib Finger asked me did I have a drink
17 with me and I replied no, but had a beer now in th e car and
18 she said I don't drink beer and so I replied that I will go
19 bck up to the liquor store and get a pint if you want me to
20 and so she said we could take a small drink and so at that time
21 itwas then about twenty five past six and so we went back up
22 to the liquor store in Claremont. Which we got there and they
23 were closed for supper for half hour. We reached the liquor
24 store at about twenty five to seven and there was a sign on
25 the door that day they were out for supper and would be back

1 at seven. So we set there and waited to seven instead of going
2 back to her house. Then at that time we set there and waited
3 and they opened back up at seven and so I went in there and
4 got a pint of Canadian Mist liquor. Then we returned back to
5 Lib Finger's house and at that time they took a small drink
6 first and then asked me did I want any and I told her that I
7 would take a small mixed drink. So I mixed me a small cup full
8 with Pepsi Cola. While they were drinking and talking there was
9 in a few minutes her sister came over and her son came over.
10 so we set there and talked for a while and Brenda replied we
11 had better be making it on back up to the house because I got
12 to get ready to go to work. So they drank about half of the
13 pint and that was all three of us and left the rest of it
14 with Mrs Finger. So on the way back it was about twenty minutes
15 toafter eight or 8:30 and we reached Hickory. So I told
16 her to drop me off over there in Berlin in East Hickory at
17 Rachel Wilson's. So I went there. Brenda took me over there and
18 dropped me off and so I thought she was already gone and I was
19 in the house there. I carried the two packages of meat in
20 Rachel Wilson's house. So I wanted to see Richard Wilson. So
21 approximately five or ten minutes after I was in the house,
22 I looked out to see if Richard Wilson was home and he was not
23 home and Brenda was still sitting out there. I returned back in
24 the house from the door and a couple of minutes later Brenda
25 blew her horn for me a couple of times and Lib King and Mrs

1 Shuford arrived and came in the house at that time and Lib
2 King looked out of the door first and said that Brenda is
3 blowing the horn for you and so I went to the door and told her
4 to go ahead, I was not returning back home at that time.
5 That was approximately fifteen or ten minutes to nine then.
6 So about ten minutes later I went back to the door to see was
7 Richard Wilson home and he was pulling up in his yard at that
8 time and so I turned around and told Rachel that I had to go
9 up to Richard Wilson for a minute to pick up some money that
10 he was holding for me. I left there and went up to Richard
11 Wilson house and I went in there and went to talk to Richard and
12 we talked for about five or ten minutes and then I asked for
13 the eighty dollars that I had given him to keep for me that
14 night. The money was for the payment of taxes on land that I
15 had purchased in Cleveland County and so I had to get the money
16 down there. I had gotten a letter from them saying that the taxes
17 was passed due on it and I had to get the money down there by
18 that Monday and so I knew that I had to work on that Monday and
19 that is the reason that I had to get it down there that Saturday
20 which I did not get that done and so when I got ready to leave
21 Richard's house I went and left and returned back up to Rachel
22 house and only about five or ten minutes had passed for it was
23 a little after nine at that time. At that time Mr Robinson pulled
24 up and came in behind me and I left the door open so that he
25 could come in right behind me. That is Willie Robinson. He came

1 in behind me and he told Rachel that he needed a large pot
2 to cook a ham in and so at that time he asked me what I was
3 doing thatnight and I replied to him that I was just going to
4 be sitting around and talking there and so he replied to me
5 if I wanted a drink and that he would carry the pot home and
6 then come back. I said that I will and that would be fine
7 with me and so at that time he left about ten minutes later
8 and carried the pot home and which he was not gone over ten
9 minutes and he returned and asked me did I want a drink of
10 gin and he had a fifth of gin in his car. So I told him
11 yes I would take a small drink but I could not drunk to much
12 because I had important business to take care of on Sunday
13 morning. So I done asked Brenda to carry me to Shelby that day
14 for we suppose went that Saturday but we did not make it because
15 I didn't find Richard to get my money from him to pay the rent....
16 not the rent but the tax on the land and so we continued to
17 talk and we mixed a small drink and he took a couple of drinks
18 and I took a couple small mixed drinks over the night out of
19 the fifth and that was all. So I guess we set there and talked
20 probably up until about 11:55 or 12:00 . At about 9:30 I asked
21 Rachel if I could use her phone and call Brenda Smith to pick
22 me up and she said she was about ready to go to work and she had
23 to pick up this lady that was her supervisor and she had to be
24 there an hour early to work thatnight. So she misunderstood that
25 I was at Rachel house and so she came over to Richard Wilson house

1 and I was not there and so I guess that she turned around
2 and went on her way. I don't know because I didn't see her
3 at that time. So I remained at Rachel Wilson house and me
4 and Willie talked and had a drink. The main reason I was there
5 was talking and drinking some. I told him that Brenda might
6 be sleepy the next morning, so I asked Rachel Wilson could I
7 use her phone to call her mother, Mrs Lucille Shuford to see
8 if I could get in touch with Allen Shuford and may be he could
9 carry me to Shelby. He is the man that carries me to work every
10 day and I was wanting him to carry me to Shelby that Sunday
11 morning just in case Brenda was not able to carry me. So I
12 called Mrs Shuford and talked to her awhile and Allen Shuford
13 was not around there and so while I was talking to Mrs Lucille
14 Shuford, Willie Robinson spoke up and said, I would like to speak
15 to her for one minute and so I gave him the phone and he got on
16 the phone and replied to her, I still love you darling, I want
17 you to know that and I want to know whether you love me or not
18 and then he gave me the phone back. At that time I was getting
19 ready to hang up and I guess Carolyn Shuford returned back to
20 where we call Sweetwater and she came in the house and asked who
21 she was talking to and she told her and she got on the phone and
22 asked me what did I want and she said what I was looking for
23 Allen for and I told her that I just called to see if Allen was
24 there and so she gave the phone right back to Mrs Lucille Shuford
25 who said couple of more words and hung up. So I went back in the

1 kitchen at the table where Willie Robinson was and at that
2 time I picked up a small mixed drink of gin and we set there
3 and talked for a good time then. So approximately ten past
4 eleven when Betty Shuford called down there and Richard Wilson
5 answered the phone....I mean Rachel Wilson answered the phone
6 and told her to call and they talked to one another and
7 so at that time she replied that I was there and so I went
8 and talked to Betty on the phone there. I talked to Betty on
9 the phone for about forty five minutes. I notice it was getting
10 real late and it was about ten minutes to twelve at that time
11 and so I asked her if I could come down there and at first she
12 said no and because I feel like that you have been drinking and
13 I said yes I had a few swallows but not that much and I can not
14 get to high for I got to go down to Shelby to my cousins house
15 in the morning and so I went down to my cousin house Sammie
16 Lou Vinson and Robert Vinson. When I arrived, I guess, Sammie Lou
17 was gone to church and I did not see Robert anywhere and so we
18 left there. That on Sunday but later that night about three
19 minutes past twelve, Willie Robinson asked me did I want another
20 another drink of liquor and I told him no I did not want any
21 more because I had to keep a level head because Brenda would have
22 to carry me to Lawndale the next morning to check with the
23 people to make sure they paid the taxes on my land on Monday.
24 So Willie went on and left and I replied to him that Betty told
25 me that I could come down there. I started down there. I set
and talked to Rachel for five minutes and that was about 12:15 or

1 twenty after twelve then and so I left there at that time and
2 walked down to Betty Shuford house which took me approximately
3 four minutes. She lived at a place called "F" Avenue and so I
4 walked back there and I knocked on her door and she answered the
5 door and asked me to come on in and so we set there and talked
6 probably twenty or twenty five minutes and M asked could I sleep
7 on the couch and I was not talking to her at that time. I was
8 not dating her at that time and so she put the kids on the bed
9 and she got ready to go to bed and so I plled out the couch
10 in the livnng room which is where I slept thatnight up until
11 about fifteen to seven the next morning. So I got up at about
12 five and she came in out of her bedroom and asked me was I still
13 asleep and I told her no. And at that time we talked for about
14 an hour or so and she returned back to her bedroom and s got
15 up and went to the bathroom, washed my face and went on down to
16 Rachel Wilson house thatmorning approximately ten past seven.
17 At that timeI stopped at Richard Wilson house for five minutes
18 and wetrn on down to Rachel Wilson house. Rachel was still in
19 the bed when I knocked on the door and she let me in and she
20 looked at the clock and said, Oh, God, I am running late,
21 it is already eight. I replied to her that it just a few minutes
22 past seven becuae you were suppose to set the clock back that
23 night and she said she did and so that time I heard a horn
24 blowing and Willie Robinson pulled up and he came in and wetrn
25 to talking to me and asked me did I want anothe drink of this
liquor and it was still in the car. I replied no, I can not

1 drink any more for I got to go to Lawndale becuae I got
2 to keep Brenda awake on the way to Lawndale. She was working
3 all night and all day and all that night and she had no sleep.
4 I said she probably will be sleepy and so at that time I talked
5 to him for five minutes or so and I heard another horn blowing
6 and she was up at the street. This was about 7:30 when Brenda
7 came and came over to Richards and so I went....I got out of
8 his car and drove up to the road and got in the car with Brenda.
9 At that time we turned back to her house and we set there....
10 we went to Mrs Carson's house and we set there for about an
11 hour and then I replied we better go to Lawndale for now if you
12 are going to carry me before you get sleeping. She said okay
13 and she replied I am almost asleep now and we had better go
14 so that we can get back and let me sleep some. So at that time
15 we came down to Robert Vinson house and he was not home and
16 I had caried the money down to my niece house, Shirley Whiteside
17 was her maiden name and now Shirley Howard is her name and
18 so we left the money down there. We returned and then we truned
19 back to Hickory and at that time went to Brenda. That is what
20 I did from the morning of the 24th up until the monring of the
21 25th.

22 Q Mr Grimes, what were you wearing on the day of the 24th.

23 A On the 24th I put on a pair of Florshiem zippers what you
24 call the shinny shoes that you can see yourself in and a pair
25 of long pants, white strip blue shirt like this but the strips

1 not this big and a brown looking jacket with pockets on the
2 arms and on the vest part of it.

3 Q Now did you at any time during that day wear some type of
4 green pull over shirt or green sweater?

5 A Noat that time, no. I didnot wear any green pull over sweater
6 up until the 26th of October which was that Monday. I always
7 wear that green sweater to work and I was returning back to work
8 on Monday when I put on the green pull over sweater.

9 Q Were you working during this time?

10 A Yes sir.

11 Q Where?

12 A I was working at the County Shop.

13 Q And was that a job that you acquired directly from them.

14 A I had applied for that up there before I went to work there
15 but I did not get the job up there myself. I got the job thru
16 Manpower which they sent me up there to work. I worked under
17 Manpower for five months and and after that they hired me there.

18 Q You had originally gotten that job thru Manpower and then
19 they hired you .

20 A Yes sir.

21 Q Now you stated that on the morning of the 24th that you shaved.

22 A Yes sir.

23 Q Did you have a mustache?

24 A Yes, I always worn it, every since I was about nineteen or
25 twenty.

1 Q Now Mr Grimes, when did you first hear the police in Hickory
2 were looking for you?

3 A On Tuesday evening when I returned home from work. Allen
4 Shuford picked me up from work and we went and got a fifth of
5 wine and we went to drinking the wine and at the time we had
6 drunk probably half the wine and I returned to the resident of
7 Brenda Smith where at the time was living and she told me that
8 Steve Hunt had been by there with some warrants for me. I asked
9 her for what, that I did not do anything. She said he did not say
10 what they were for, just replied that he had some warrants for
11 me and so I asked her to carry me down to the police department
12 to find out what they are for. So she said okay and carried me
13 up there. So at that time she carried me up there to the police
14 department and which Steve Hunt was not at the police station
15 at that time and so I asked the other detective what did he
16 have any warrants for me and he said he didn't know but that he
17 would get in touch with him thru his car and see. So he called
18 Steve Hunt and Steve said he had a couple of warrants for me, why
19 and the officer told him that I was standing there waiting for
20 him and Steve Hunt replied back to him, just hold him there until
21 I get there and I will give him the warrants. So I remained
22 there until Steve Hunt got there and when he did, he said, I
23 have some warrants for your arrest. I asked what they were for
24 and he told me and I asked who the woman was and where was the
25 place and he said, you know where the place is and I said no,

1 I don't, I don't know the place for it had not dawn on me that
2 here was the section of 8th Avenue Drive which passed pretty
3 close to where I lived and I was thinking that it had to be
4 right off of Lenoir Rhyne Boulevard. So I went and was thinking
5 and I said, I don't know no woman by that name and I don't know
6 no woman that lived at that place and he told me it was best
7 for you to be quite because you might say something can be used
8 against you and for you to just be quiet for it might harm me
9 later for I was in big trouble. I said well, I have not done
10 anything and I don't know what you are talking about. He said
11 I told you to be quiet because anything you say could be used
12 against you later and so I did not say anything more to Steve.
13 So he had me to take a seat close to him where he was writing
14 on a paper and so at that time he told the officer to go ahead
15 and fingerprint me and take my picture while he got the paper
16 work and when I got up to go to be fingerprinted, Steve said to
17 me, why didn't you tell me that you were missing two fingers,
18 that will be very easy to notice but when he first came in, he
19 didn't speak to me, but he said, yes this is the man for he still
20 got the green sweater on. So I did not know what he was talking
21 about at that time.

22 Q Now Mr. Grimes when you say he, who do you refer to.

23 A I refer to Officer Hunt.

24 Q Now did he ask you some questions about the person, yourself
25 as to height and weight and so forth?

1 A Yes, he asked me how tall I was and I said about six two at
2 the time and he asked me how much did I weigh and I said some
3 where around 158 to 165 and I was very small then from have
4 been drinking for the last two or three months. I had lost a
5 lot of weight.

6 Q Now that is how much you weighed on that time of October of 1987?

7 A Yes, that is right.

8 Q How much do you weigh now if you know sir?

9 A I must be at 198 at this time now.

10 Q You have added about thirty eight pounds since that time?

11 A Yes, I think I have gained anywhere from thirty five to
12 forty pounds in that length of time of nine months that I have
13 been in the jail for something that I did not do .

14 Q Now were you wearing a green sweater when you went to see
15 Steve Hunt?

16 A Yes, I was and a pair of blue jeans and a strip shirt and
17 the pull over sweater.

18 Q And had you worn that to work?

19 A Yes, I just returned home from work when Brenda Smith and
20 told me that Steve Hunt was looking for me with some warrants.
21 I didn't even go to the kitchen or anything to get a sandwich. I
22 just came and told her to carry me up to the police station
23 because I was going to get this straight because I had not done
24 nothing because once before one of Betty Shuford's checks got
25 missing and....

1 MR JOHNSON: Objection

2 COURT: Sustained.

3 Q Approximately what time of the day was it that you went to
4 the police station?

5 A Well, that morning it was cloudy and it rained for about an
6 hour or hour and half and I was working at the time. I knew it
7 was raining but during the evening the sun had come back out
8 real bright and had warmed back up some.

9 Q What time of the day did you go to the police department?

10 A Approximately 5:30 or fifteen minutes to six.

11 Q Now Mr Grimes, do you know Carrie Lee Elliott?

12 A I just know her by name from this warrant. I had seen her a
13 couple of times but I did not know who she was. I had not been
14 close enough to speak to her or to say hello or anything like that

15 Q Are you familiar with where she lived at that time.

16 A At the time I knew where she lived but I did not know that was
17 her name.

18 Q And do you know Willie Mason that lived next door to her?

19 A Yes, I do. We grew up together in Cleveland County and went
20 to the same school.

21 Q Mr. Grimes, did you at any time during the evening of October 24,
22 1987, some time between the hours of nine and ten o'clock at
23 night, go to the residence of Carrie Lee Elliott?

24 A No, I did not. I have already explained where I was at that time

25 Q Were...where were you during that period of time sir.

- 1 A. Between the times of nine and twelve that night, I was at two
2 different places. I was at Rachel Wilson house and Richard
3 Wilson house for ten or fifteen minutes. Those were the only
4 two places that I was from nine to twelve that night sir.
- 5 Q Mr. Grimes, did you on that night rape Carrie Lee Elliott?
- 6 A No, I did not.
- 7 Q Did you even see her on that night or day?
- 8 A No, I did not
- 9 Q Now other than the two missing fingers on your hand, do you
10 have any other scars or marks on your body or face?
- 11 A Yes, I have a birth mark on my jaw that suppose to look like
12 a bunch of grapes and I have two cuts marks on my neck which
13 came from a man that had a seizure and I was putting a spoon in
14 his mouth and when he came out of it, he thought that I had hit
15 him or something and he didn't know what was going on and he
16 was laying on the floor and he got his knife out which I did not
17 see and he cut me two times before they could get him to stop,
18 and he cut me two times right here and one time right here.
- 19 Q Now the scars on your chest are fairly close to your neck area?
- 20 A Yes sir. (Witness opening shirt and revealing chest)
- 21 Q Now that scar is a fairly raised scar that you are exhibiting?
- 22 A Yes sir.
- 23 Q Is that raised up from your chest?
- 24 A Yes sir.
- 25 Q Now the scar also reveal where the sutures were placed?

1 A Yes sir.

2 Q Is that where....

3 A You can see each one of them becuae when I took it out,
4 I did not return back to the hospital , but Brenda Smith
5 is some type of nurse aide and so she was the one that took
6 them out.

7 Q Now you testified that you had done some drinking that day
8 of October 24, 1987?

9 A Yes sir, but I was not high.

10 Q Were you intoxicated?

11 ANo, I was not. I did not drink enough to get high. I didnt
12 drink enough to do that. I knew that I had to get thatmoney
13 to Lawndale and I wanted to be in good shape and I never had went
14 around Robert Vinson and them drinking which I dont' guess they
15 really knew that I did drink.

16 Q Do you own an automobile?

17 A No, I don't own one.

18 Q Do youdrive?

19 A No, I can not drve at the time.

20 Q Now you have been convicted of driving while under the
21 influence twice, is that correct?

22 A Well, not correct. They changed it to driving under intoxication.
23 I have been arresed two times in the last ten years for driving
24 while intoxicated. Once was the 24th of September of 1982 and
25 the last time was March 19, 1985.

1 Q Now is that when your license was suspended?

2 A Yes, that is when they took my license for three years.

3 Q Was that the reason that you were not driving during any
4 of these occasions that we talked about?

5 A Yes, because I did not have any license to drive and I did
6 not want to get any trouble or problem that I had at that time
7 about driving.

8 Q Other than these traffic offenses have you ever been charged
9 or convicted of any crime?

10 A No sir

11 Q Have you ever been charged with or convicted of any assault?

12 A No sir

13 Q Have you ever been charged with or convicted of any violent
14 crime?

15 A No sir.

16 Q You ever been charged with or convicted of breaking or entering
17 or burglary?

18 A No sir.

19 Q Ever been charged with or convicted of any sex offense?

20 A No sir

21 Q Have you ever gone out with elderly women?

22 A No, I love my younger women.

23 Q Now how is it that you remember with such details what happened
24 on that date of October 24, 1987, sir.

25 Q Well, must the way that I remember is because I had gotten a

1 letter that Thursday or Friday about my taxes on my land and
2 I knew that I was going to drink some that Friday night and so
3 I went and gave the money to Richard Wilson to keep for me so
4 that I would not mess it up myself because I have a tendency
5 to spend a lot of money that I usually would not if I would be
6 drinking. I did not want to mess the money up and for nine months
7 I have been sitting in here and thinking and that will make
8 me not forget it all that I did for something that I did not do.

9 Q You were here in the courtroom yesterday when the other
10 witnesses testified for you.

11 A Yes sir.

12 Q Have you ever discussed their testimony with any of the
13 witnesses?

14 A No sir.

15 Q Have you ever asked them to testify in any particular way?

16 A No sir.

17 Q And...

18 A I feel like they should tell the truth and I am not saying
19 that Mrs Elliott lied about anything she said. she might have
20 been raped but it was by some other person and it was not me.
21 The doctor indicated that the male was black but he did not
22 indicate it was me or who it was.

23 MR. DETORRESS: That is all.

24 CROSS BY MR. JOHNSON:

25 Q Mr. Grimes, how old are you sir?

- 1 A I am forty one years old and I will be 42 in August, August
2 the 23rd this year.
- 3 Q In October of last year, were you in pretty good physical
4 condition sir.
- 5 A Yes, I was.
- 6 Q Whattype of work were you doing at that time sir.
- 7 A I was working at the Hickory Country Shop moving the furniture
8 and storing it.
- 9 Q And that required you to have some strength in your upper
10 body.
- 11 A Yes sir, plenty.
- 12 Q And do you have some kind of mark or growth or some type of
13 place on the left side of your face here near your mouth sir?
- 14 A Yes, I have told them what that was.
- 15 Q And that is a fairly noticeable growth there?
- 16 A Been there every since I was born. They called it a birth mark.
- 17 Q But it is not a small thing that is not noticeable but it
18 is very noticeable when a person looks at you.
- 19 A Yes sir. Anyone that ever knew me noticed it and so are the
20 s cars on my neck and my chest and my fingers missing.
- 21 Q You also have some problem with your speech or speaking clearly,
22 do you not sir.
- 23 A Yes, I am kind of tongue tied or tied tongue. Whatever you
24 call that.
- 25 Q And in October of 1987, you did own and wear on occasion a

1 green pull over sweater, did you not?

2 A. Yes sir. I often wore that to work.

3 Q And you had it on the times that you were arrested?

4 A Yes, I had it on and had not took it off and not changed
5 my clothing from work to the time I went to the Hickory
6 Plice Department from work that day.

7 Q On October 24, 1987, when you got up that morning, did
8 you shave immedately after yo got up thatmorning sir?

9 A I took a shower first and then went on to the post office
10 and after returning fro the post office from having copies
11 of the certificates made, at that time she mentioned going
12 to Lib Finger house and so at that time that is when I replied,
13 I had to shave first before we left.

14 Q So about what time of the day would it have been that you shaved?

15 A Approixmately ten that morning or 10:15.

16 Q You shave every day?

17 A Every day I am at my house. I did not shave the first couple
18 o f days that I was here beucase I was locked up in a oneman
19 cell and they would not give us a rezor in a one man cell.

20 Q Well, sir, talking about prior to your arrest. Any of my
21 questions are going to be addressed prior to your arrest?

22 A. Yes sir.

23 Q Would you say that the hair that grows on yourface is tough?

24 A No sir. The reason that I say thatis beucase they do not get
25 long enough to get tough. My shaving every day, they do not get

1 long enough to get tough to even notice. I shave one day
2 and you could not tell it the next day.

3 Q You are immune from the five o'clock shadow, are you?

4 A I am immune from the five o'clock shadow.

5 Q Do you not get a five o'clock shadow on your face sir.

6 A No sir.

7 Q Are you familiar with what you...if you shave in the morning,
8 and by later afternoon, do you not have some new hair growth
9 on your face and that is some time called five o'clock shadow?

10 A Yes, we call that fuss.

11 Q Do you get that kind of growth sir.

12 A Not overnight.

13 Q Good enough to feel it to the touch, is it not sir?

14 A I imagine it would get to feeling it to the touch.

15 Q So if someone was to touch your face at nine or 9:30 at
16 night time, if you had shaved in the morning, they could feel
17 some facial hair?

18 A I imagine so.

19 Q You were consuming some alcohol on the 24th of October?

20 A Yes, small amount.

21 Q When you went down to the Lawndale on Sunday, to pay your
22 taxes, who did you give that money to sir.

23 A I gave that money to Shirley Whiteside and now Howard.

24 Q Is she the only relative that you saw while you were in
25 Cleveland County that day?

- 1 A Yes sir.
- 2 Q Were you in the habit of giving Reichard Wilson money
3 to hold for you?
- 4 A Not too often but just at times.
- 5 Q Did you tell him what the reason was you gave him that money?
6 A I heard him say that it was for rent money but I did not
7 tell him it was for that.
- 8 Q You did not.
- 9 A I just asked him to hold it for me up until Saturday or
10 Sunday.
- 11 Q So he just made that up then about it being rent money?
- 12 A I imagine that he felt like it was for that rent beucase
13 I did not want it to be on me thatnight when I was going paces.
- 14 Q Did you tell Richard Wilson thatyou were going to be
15 drinking and did not want the money on you.
- 16 ANo, I did not tell him that.
- 17 Q What did you do on Friday night sir, after giving Mr Wilson
18 the money?
- 19 A Well, after I gage Richard the money, I went down to
20 Rachel Wilson house for ten or fifteen minutes and then I left
21 and me and another boy walked around town to a place called
22 Heater and shot a couple of games of pool and then we went on
23 to a place called Cues and at 10:00 I returned back to Brenda
24 house that Friday night and laid down across the bed.
- 25 Q Now did you do any drinking while you were out that night?

- 1 A Yes, I drunk a couple of beers but did not drink any liquor.
- 2 Q You did not get intoxicated, did you?
- 3 A No sir.
- 4 Q When you left heading home, how far were you from Brenda
- 5 Smiths' house.
- 6 A Probably five blocks.
- 7 Q And you walked that distance, did you sir?
- 8 A Yes sir.
- 9 Q Now far was it from the place where you started home over
- 10 to Mr. Wilson's house?
- 11 A Approximately four blocks or five.
- 12 Q You did not swing by Mr Wilson to pick up your money after
- 13 you finished drinking?
- 14 A No sir
- 15 Q And...
- 16 A I did not think he would be home because he generally spends
- 17 the night down at Carolyn Shufords.
- 18 Q What kind of meat was Rachel Wilson cooking for you.
- 19 A I had bought ten pounds of chitlings and I did not get any
- 20 hog meat to mix with them at the time and that Saturday evening
- 21 on way to Claremont I bought to packages to mix with it.
- 22 Q And when did you give her the ten pounds of meat?
- 23 A On Friday night.
- 24 Q Had you given her additional meat any time but Friday night?
- 25 A No sir.

- 1 Q Did you see her Thursday night?
- 2 A Yes, I se her every evening.
- 3 Q You didnt give her the meat on Thursday night?
- 4 A I think it was Friday night.
- 5 Q You asked her to cook that on Saturday or some other time?
- 6 A I asked her to cook it becuase a lot of people do not wash
7 chitlings and she always did. I do not eat anybody but the
8 ones she cooks.
- 9 Q When was it that she was suppose to cook them sir?
- 10 A She was going to cook them on Sunday.
- 11 Q Was that the understanding when you gave it to her.
- 12 A No, we understook that she that she would cook them when she
13 could get to ti but since she had not cooked it on Saturday
14 I knew it wasoulbe Sunday.
- 15 Q Did you ever end up eating of of any the chitlings?
- 16 A Yes, on Monday morning.
- 17 Q You sa thatyou go by Rachel Wilson's practically every day?
- 18 A Practically every day in the evening becuase I ride with
19 her brother, Allen, who carries me to work and I go by every
20 morning to work also.
- 21 Q And when you go over to Rachel Wilsons in the morning, and
22 when you leave there in the eening, how do you ususal travel sir.
- 23 A During the morning when I go over there I am on the way to
24 work and then we leave from thereand I go to work. I returned
25 f rom work and Brenda Smith picks me up and she generally drops

1 me off over there or I walk over there.

2 Q She takes you over there in the mornings most of the time?

3 A She does not carry me anywhere in the morning. I said Allen
4 Shuford carries me during the morning.

5 Q Allen Shuford carries you to work?

6 A Yes sir.

7 Q But you got together with Allen Shuford at Rachel Wilson
8 house?

9 A Yes, most every evening.

10 Q My question is, did you not get together in the morning
11 with Allen Shuford so that he can take you to work at Rachel
12 Wilson's house.

13 A No

14 Q Where do you get together with the person, Allen Shuford?

15 A He picks me up at Brenda Smith's house. I do not go to work
16 to eight and he will pick me up at seven on the way and carries
17 his wife and drops us off.

18 Q So then you go back to Rachel's on the way home.

19 A Yes sir.

20 Q And you go to Rachel's every evening.

21 A Most every evening, yes.

22 Q You in fact spend a lot of time over there in the evening,
23 don't you sir?

24 A Yes, probably so. Betty Shuford lived there and I use to
25 be sweet on Betty and she lived over there.

1 Q Drink a lot of liquor while you are over there?

2 A Not really. We generally drink wine instead of liquor.

3 Q Liquor, beer and wine are all alcoholic beverages are
4 they not sir.

5 A Yes but most of the time we drink a small amount of wine
6 every day.

7 Q Safe to say that Mrs Wilson is your good friend?

8 A Yes sir as lot of other people are that I have known all
9 my life.

10 Q When you got to Rachel Wilson's on Saturday night, October
11 24, 1987, how long was your intention to stay there at that time sir?

12 A At the time when I first went over there, I was planning on
13 just going over to drop the meat off and leave.

14 Q And when you heard Betty Shuford might be there and she came
15 and blow her horn....

16 A Betty did not blow any horn.

17 Q Brneda Smith was there blowing her horn what did you say
18 to her if anything sir.

19 A I went to the door and I told her that she could go ahead,
20 that I will be on later.

21 Q Now you had walked the distance between where you were living
22 with Mrs Smith and Rachel Wilson house, have you not?

23 A I generally do every day of the week sir

24 Q You walk that every day.

25 A Yes sir.

- 1 Q When do you walk that distance?
- 2 A After I got off from work. If Allen got off in Berlin, if
3 I go home, I walk from there to Brenda house.
- 4 Q So it is not a distance that you are not use to or capable
5 of walking?
- 6 A I am capable of walking miles sir.
- 7 Q Good long strong legs?
- 8 A I suppose so. I am in good shape.
- 9 Q Now after you told her to go on, did you call her to come
10 and pick you up after that?
- 11 A Yes I called her later on, probably 45 minutes later.
- 12 Q When did you call her to pick you up 45 minutes later after
13 you told her to go on sir.
- 14 A I was intenting to go home and watch a show at 9:30, the
15 Amen Show and she would be gone to work at that time. Theat
16 Amen Show was the first day it coming on that season and I
17 never seen it before and no one had seen it before.
- 18 Q Was this a television show.
- 19 A Yes.
- 20 Q Was there a television set over at Rachel Wilson house?
- 21 A Yes, it was one over there. I think she has two.
- 22 Q Did you watch the show while you were there at Rachel Wilson
23 house?
- 24 A Not really.
- 25 Q You say that you had not discussed the events of October 24th,

1 with any of these people that come here to testify.

2 A Not discussed the case, All of them knew what I was doing
3 and where I was and the only ones I talked with was Brenda
4 Smith once a week and Betty Shuford once a week.

5 Q On the times when you talked to Betty Shuford or Brenda Smith,
6 have you talked about any of the things that happened on the
7 24th of October 1987.

8 A No, because Betty knew what happened that night and she knows
9 that I was down there and at Rachel's house all night. She knows
10 that I left Rachel and come to her house that night.

11 Q Betty was not there at Richard Wilsons or Rachel Wilson
12 was she.

13 A No, she was gone to church.

14 Q So anything she knows about that would be from something that
15 someone else told her if at all, is that correct?

16 A Yes, up until about 12:20 or 12:25 when I got there. She did
17 not see me until that time.

18 Q Now all of these people that testified, did they give a
19 written statement to your lawyer.

20 A I think they did.

21 Q And you had an opportunity to go over those with your lawyer,
22 what the statements were and you knew what these folks were
23 going to say did you not sir.

24 A I have seen the affidavit of them.

25 Q And...

1 A The reason that I seen the affidavits of them is becuase at
2 first I didn't think that he was doing a good job for me and
3 I thought that I would have to get another lawyer and later on
4 I changed my mind and so I asked him for the affidavits just
5 in case and so I had tims to read them also.

6 Q You do know Brry Allen, don't you sir?

7 A Yes, I sure do.

8 Q And you have been to visit him prior to October 1987 withint
9 the three or four months, had younot?

10 A Yes, three or four months before then I had.

11 Q And you know where Mr Mason lives?

12 A Yes, I do.

13 Q And you had been in his home several times?

14 A Not several times. Two times.

15 Q Do you know Willie Robinson by any other name?

16 A Yes. I have known him for years and I called him Les and not
17 Willie. No one calls him William but calls him Les.

18 Q Les Robinson.

19 A Yes sir.

20 Q But you don't call him Wilson, do you?

21 A NO.

22 Q Was anyone named Wilson present at Rachels Wilson that night
23 beside Rachel Wilson.

24 A Just her kids and her. Richard Wilson lives two houses up
25 from her where I went that night to get my money.

1 Q When Betty Shuford called on the night of October 24,
2 who answered the phone sir?

3 A Williem Robinson.

4 Q William Robinson?

5 A Yes sir.

6 Q Who is William Wilson?

7 A No one. Any time that I call him by his real name, I get
8 his name mixed up and call him that.

9 Q So when you were giving your narrative before on direct
10 examination as you said Williem Wilson, you just made a mistake
11 then?

12 A Yes, I always call him Les myslef and I try to call him
13 by his real name and I get confused about that.

14 Q In your testimoony early you said that WilliamWilson drove
15 up and youwere talking to Mr Robinson instead of William Wilson
16 and they are the same person I now take it.

17 A Yes, I was talking to William Robinson.

18 MR. JOHNSON: That is all.

19 RE-DIRECT BY MR. DETORRES:

20 Q Now Mr Girmes, when you went to see Oficer Hunt at the
21 police station, did he ever ask you any questions?

22 A No, he did not at the time I went up there. Oficer Hunt was
23 not there. He showed up later and walked in and said, yes that
24 is him he still got on the green sweater. The only questions he
25 asked me was about tatoees and scars. I told him tha I Had one on

1 my face, couple on my neck and one on th chest and I had
2 the fingers cut off. What he said was when I went to get up,
3 I didn't see your hand, you are missing a couple of fingers
4 and I said yes. He didnt ask me anything else but my height
5 and weight and said that I was high and I should not be
6 talking to anyone at this time becuase you are in big trouble.

7 Q Were you high or intâxicated when you saw Mr Hunt?

8 A I had been drinking some wine on the way from work but
9 I was not completely high.

10 Q Did he he ever come and talk to you about what happened?

11 A He stated that he would come and talk to me a couple days
12 later after I am in a shepe to talk to him.

13 Q Did he ever do that?

14 A No, first time that I seen Mr Hunt since thatin nine months
15 was on the 26th of May.

16 Q And did he ask youany questions then?

17 A Only thing that he asked me was, you do know what I am here
18 for and I said, I guess so. He said, well, what am I hedre fore
19 and I said we are suppose to be going to have some hair test
20 made.

21 Q During the months that you have beenconfined, have he ever
22 ever come and talkedto you or discussed with you what happened
23 on the night of October 24, th, 1987.

24 A no, he has not.

25 Q Did he everask you where you were on October 24th.

1 A. No, he has not.

2 Q. Has anyone other than myself, any other police officer
3 come and talk to you about this case?

4 A. Not one person at all. Only you.

5 MR. DETTORRES: That is all

6 RE-CROSS BY MR. JOHNSON:

7 Q. Did you have a court appearance the next day after you
8 were arrested.

9 A. Yes, I did.

10 Q. And at that time you got a lawyer?

11 A. Yes, they appointed me a lawyer.

12 Q. You know these officers can not talk to you if you have a
13 lawyer without your lawyer first knowing about it, don't you.

14 A. Well, I have read that, that I should not answer any questions
15 and that I wanted to have a lawyer and not to talk without
16 consulting my lawyer.

17 MR. JOHNSON: That is all.

18 JUROR: Your Honor, I would like to get one point
19 of testimony clarified if I could

20 COURT: Just a moment please. You may have a seat. If
21 you would just write the question down on this paper here and
22 let me have it back. (a yellow pad was given to the juror and
23 then back to the court.) (Counsel for both sides approached the
24 bench and returned to their seats.)

25 COURT: Mr Kincaid, normally the court does allow

1 questions from jurors. It can result in some reversal error
2 and it has been referred to by witnesses how far it is from
3 some place to some other place.

4 JUROR: I know that I have all the others places
5 placed but that one I never heard of that he mentioned.

6 COURT: Well, I instruct you now and will do so not
7 ver long from now that you must take your own recollection
8 of the evidence as you recall it.

9 MR. DETORRES: Your Honor, that is all of the evidence
10 for for the defendant.

11 COURT: Rebuttal for the state?

12 MR. JOHNSON: If I may have a moment. We recall Officer
13 Hunt.

14 STEVE O. HUNT was recalled by the state on rebuttal:

15 DIRECT BY MR. JOHNSON:

16 Q Officer Hunt, are you personally familiar with the location
17 of the Rachel Wilson home.

18 A I am sir.

19 Q And the Richard Wilson home?

20 A Yes sir....no, not his residence.

21 Q But you do know about Rachel Wilson home?

22 A Yes sir.

23 Q And are you personally familiar with the location of the
24 Carrie Lee Elliott apartment as it was at that time?

25 A I am sure sir.

1 Q Approximately how far apart in distance are those two
2 residences?

3 A Approximately seven to eight blocks.

4 Q From...if a person were to tranverse that distance on foot,
5 at a normal walking palce, do you have an opinion say as to the
6 time it would take to cover that distance?

7 MR. DETORRES: Objection.

8 COURT: Sustained.

9 Q Do you know how long it would take to cover that distance?

10 MR. DETORRES: Objection.

11 COURT: Sustained.

12 MR. DETORREES: Your Honor, if this is the line of
13 questioning that the state is offering in rebuttal, I object
14 for it is not rebuttal to any testimony produced by the
15 defendat and is outside of the scope of any examination.

16 COURT: Sustained.

17 MR. JOHNSON: No further questions. That is all the
18 evidence for vhe state on rebuttal, your Honor.

19 COURT: Members of the Jury, you may take a twenty
20 minute recess at this time. Do not discuss this case nor let
21 anyoen talk to you about it. (The jury left the courtroom at
22 this time.)

23 COURT: At the close of all of the vidence, I will hear
24 from you Mr Detorres.

25 MR. DETORRES: Your Honor, the defendant will present

1 no further evidence and at the close of all of the evidence,
2 I would like to renew all the motions for the dismissal at
3 this time of the remaining two charges of rape and the charge
4 of kidnapping. I would again argue to the court on the kidnapping,
5 there is no evidence of any unlawful restraint other than that
6 which was necessary to the commission of the crime of rape.
7 I say that is an element of the crime of rape itself and is not
8 a separate offense of kidnapping. On the charges of rape we
9 move to dismiss those on the grounds of insufficient evidence
10 to show that the defendant is the person that committed any rape
11 and I would argue to the court that the charges against the
12 defendant should not be submitted to the jury as separate charges
13 but only as one charge of rape and also that it should be
14 submitted only on the charge of second degree rape and not first
15 degree rape for the evidence is not sufficient to show the use
16 or threaten use of any dangerous weapon in the commission of
17 this crime. We have no evidence to establish that there was in
18 fact a weapon present. Secondly there was no infliction of any
19 serious person injury as was none in the kidnapping. Third,
20 as to the rape, I would argue to the court and renew my motion
21 that there is no evidence of any two separate rapes and that it
22 is only one continuous rape, if any at all. All of the evidence
23 shows one rape and that one should only be submitted to the jury.

24 COURT: Show the motions and each of them denied. Now
25 in accordance with the rules of procedure, we will have the

1 pre charge conference at this time. Unless anyone objects to that,
2 at this time we will undertake that.

3 MR. JOHNSON: No objection from the state.

4 MR. DETORRES: I have a set of instructions that I
5 am proposing that should be submitted to the jury.

6 MR. JOHNSON: The state has no special request.

7 COURT: May I have yours Mr Detorres.

8 MR DETORRES: Yes sir. I am submitting the chage of
9 second degree rape and then if the court does not charge on
10 second degree rape, that only one count of first degree rape
11 be submitted to the jury.

12 COURT: Let the record reflect that Mr. Detorres on
13 behalf of Mr.Grimes has tendered to the court NC PI Criminal
14 207.16, second degre rape; and the court denies to give that.
15 also tendered 207.10, NC PI Criminal, the court intends to give
16 first degee rape only. In so far as body injury or serious
17 boidly injury to the person, the court does not intend to charge
18 on that, and will charge on the third issue, that the defendant
19 confined, restrained or removed a person for the purose of
20 committing the crime or crimes of first degree rape. I will not
21 use the sub paragraph (b) under the third issue in that form.
22 Let me check this. You have a different cite than I do on that.
23 Let me back up here. Strike out that. The defendant thru counsel
24 has rendered the first degree kidnapping at 210.25 as it appears
25 in the book and is simply copied from the book. Is that what you wan

1 MR. DETORRES: Yessir.

2 COURT: The whole thing?

3 MR. DETORRES: Not the entire thing but confined to
4 the area that I argued to the court previously....

5 COURT: With all due respect sir, it is not my job
6 to go thru and eliminate what you do not want and what you
7 do want when you tender the charges you want, tender what you
8 want and not everything else. I do not intend to give that but
9 the court will give under first degree kidnapping 210.25 and
10 the court will charge on confinement, restraint, and removal.
11 I will leave out any serious injury to the person and that
12 the confinement, restraint, or removal was a separate, complete
13 and independent of a rape and five that the person had been
14 sexually assaulted. In the mandate I will tell the jury if they
15 find from the evidence beyond a reasonable doubt, that on or
16 about the alleged date, that the defendant did unlawfully confine,
17 a person or restrain a person or remove a person from one place
18 to another and the person did not consent and this was done for
19 the purpose of facilitating the commission of the first degree
20 rape or rapes and that this confinement, restraint or removal
21 was a separate act independent of and apart from the first degree
22 rape or rapes, that the person confined, restrained or removed
23 had been sexually assaulted, it will be your duty to return a
24 verdict of guilty of first degree kidnapping. The defendant thru
25 counsel has tendered 101.05, function of the jury and I will give

1 that. Also 101.10, reasonable doubt and I will give that.
2 101.15, credibility of witness and I will give that. 101.20
3 weight of the evidence and I will give that. 105.60, evidence
4 of the defendant's character traits under the rules and I
5 will give that. 301.10 alibi and I will give that. After the
6 jury has been sent into the jury room, I will then give both
7 sides an opportunity to be heard concerning the charge submitted
8 to the jury with a chance for any corrections or changes to
9 to the charge. Mr. Detorres, in the footnote there is the
10 charge on the duty of the jury to consult with one another
11 and so forth. Do you desire that I give that, what is known as
12 the mini Allen charge.

13 MR. DETORRES: Yes, I would ask that you give that.

14 COURT: All right. You have submitted the identification
15 of the defendant as the perpetrator of the crime and I will
16 give the charge on that.

17 MR. DETORRES: I will...your Honor, I did not hear
18 you say that you would give the charge on the defendant's
19 truthfulness....

20 COURT: I will give that.

21 (The court took a recess at 11:16 and reconvened at
22 11:45 and the jury is in open court.)

23 (Mr Meyers made an argument to the jury for the state.)

24 (Mr. Detorres made an argument to the jury for the
25 defendant.)

1 (The court took a recess for lunch at thistime.)

2 (Time is 2:00 p.m and the jury is in open court.)

3 (Mr. Johnson made an argument to the jury for the State.

4 (The court instructed the jury upon the law in these
5 cases. The original twelve jurors retired to the jury room and
6 the two alternates were excused.)

7 COURT: Are there any request for any corrections,
8 additions, deletions or changes in the charge as submitted to
9 to the jury , in order to submit a proper and complete charge
10 to the jury.

11 MR. DETORRES: We have no objection and no addtions.

12 MR. JOHNSON: None your Honor for the state.

13 (The charge to the jury was not typed due to the
14 no exception being taken to the charge as per the rules.)

15 (The three verdict sheets went to the jury at
16 3:03 p.m.)

17 (The jury sent a message to the court on a yellow
18 pad desiring to know which case number related to the rape
19 on the couch and which case number related to the rape on the
20 bed. The court conferred with counsel forthe state and for the
21 defendant and returned the yellow pad with a message to the
22 jury that case number 87 CrS 13542 was the couch case and
23 that 13544 was the bed case. This was by and with the consent
24 of the atorneys for both sides.)

25 (The jruy came in open court at 4:20 p.m.)

1 COURT: Members of the Jury, have you selected a
2 foreperson?

3 JUROR: Yes sir, I am.

4 COURT: Has the jury arrived at unanimous verdicts
5 in all three cases.

6 FOREMAN: Yes, we have.

7 COURT: Take the verdicts.

8 CLERK: Members of the Jury, in case number 87 CrS
9 13541, you have found the defendant guilty fo first degree
10 kidnapping. In case number 87 CrS 13542 you have found the
11 defendant guilty of first degree rape and in case number 87 CrS
12 13544 you have found the defendant guilty of first degree rape.
13 Are these your verdicts so say all of you?

14 JURY: Yes.

15 MR. DETORRES: Move to poll the jury.

16 COURT: Stipulate that the clerk may poll them
17 once as to all three cases and not on individual cahrges?

18 MR. DETORRES: Yes, sir.

19 (The Clerk at this time polled the jurors individually
20 as to their verdicts as to the three charges. Each juror stated
21 the verdicts was their individual verdicts, was still their
22 verdicts and they still assented thereto.)

23 COURT: Any objection to the form of the poling?

24 MR. DETORRES: No sir.

25 COURT: Are you prepared for a sentencing hearing?

MR. DETORRES: In view of the hour and the verdicts,
I would like to move the court to conduct the sentencing
3 hearing next week.

4 COURT: On motion of the defendant, we will conduct
5 the sentencing hearing in these matters next week.

6 (The court recessed at 4:30 p.m.)
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1 STATE OF NORTH CAROLINA
2 COUNTY OF CATAWBA

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

In/Re: 87 CrS 13540; 13541.
13542 and 13544

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5 State of North Carolina

6 vs.

JURY ARGUMENTS

7 Willie James Grimes.

8 Defendant

9 July 8, 1988

10 Newton, North Carolina

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Arguments to the Jury by Mr Meyers: Page 3

Arguments to the jury by Mr Johnson. Page 9

1 July 8, 1988: Time is 11:45 a.m.

2 MR. DETORRES: I would like to have the jury arguments
3 recorded your Honor.

4 COURT: All right, Members of the Jury. we have reached
5 that point in the trial when you will be addressed by the attorney;
6 for the respective parties. In accordance with our rules of
7 criminal procedure, you will hear first from the district attorney
8 Mr Meyers. Then you will hear from Mr Detorres on behalf of
9 Mr Grimes and then you will hear from Mr Johnson for the state.
10 These attorneys are officers of the court and so I will ask
11 that you pay close attention to their contentions with respect
12 to the evidence and the law and to their respective clients.

13 MR MEYERS: Thank you, your Honor, Ladies and Gentelemen
14 of the jury. We are getting now towards the end of this trial
15 and it has been a fairly lengthy trial and difficult trial., I
16 want to thank you for all your attention that you have paid
17 in listening to the testimony. You are , as you know, the finders
18 of the facts in these cases. The judge will submit to you issues
19 for you to determine in finding those facts and you will find
20 the issues to be true or you will find the issues not to be true.
21 In determining the facts. you are to consider what has been
22 said on the stand, what the testimony was and what you observed
23 about the witnesses. What we say to you is not evidence and is
24 not facts, but is only closing arguments. We are only trying to
25 guide you along and to assist you in your deliberations back
in the jury room. The judge will give you the law and define it

1 for you as to what you are to consider and determine. The
2 burden of proof in these cases is on the state to prove the
3 defendant's guilt beyond a reasonable doubt. That means exactly
4 what, guilt beyond a reasonable doubt. Not guilt beyond any
5 doubt or beyond all doubt, but beyond a reasonable doubt. It is
6 like the common use of a scale. When this trial started and
7 up until this moment, this man is presumed to be innocent and
8 the scale is titled high and entirely in his behalf or in
9 favor of him but the state contends to you now that we have
10 put on evidence, each piece of evidence that should bring the
11 scale back more and more and more in favor of the state. The state
12 contends to you that in this case, we have swung that scale
13 all the way in favor of the state, that is beyond a reasonable
14 doubt and we have taken that presumption of innocent and turned
15 it over to where you should find the defendant guilty beyond
16 a reasonable doubt. I ask you to look at the strict standard
17 of proof that the state is required to prove in this case. Facts
18 are stubborn things and they don't seem to go away and the state
19 contends that we have proven several factors to you and for you
20 as to each of these crimes charged. You are going to be charged
21 or instructed by the court on first degree kidnapping and the
22 other cases and on each case you will be given several issues
23 to go over. It is the contention of the state that there was
24 in fact a first degree kidnapping and the two forcible first
25 degree rapes and the judge is going to give you or tell you what

1 first degree kidnapping is and also what first degree rape is.
2 On first degree kidnapping, the judge is going to tell you that
3 is the confinement or restraint or removal from one place to
4 another of a person. That that is one of the elements of the
5 first degree kidnapping, removal and restraint or one of those
6 things or both of them. The state would submit that after that
7 first rape took place, the defendant asked where the bedroom
8 was and if you will recall the testimony, Mrs Elliott the
9 victim, that she was then beaten and drug into the bedroom fro
10 the living room couch which was a distance of some fifteen or
11 twenty feet where he rapped her again. That is a removal we
12 say on behalf of the state and without her consent. I don't think
13 that there is any doubt that there was no consent to being
14 removed from the living room to the bedroom. Another element is
15 that it was for the purpose of committing a felony, a first degree
16 forcible rape. Is there any doubt that was the purpose in taking
17 her to the bedroom? Another element of the first degree rape
18 is that it was a separate and distinct offense apart from the
19 rape itself. Against the state submits to you that it was a
20 very separate and distinct act from the rape. She had already been
21 raped on the couch and then for whatever reason, he drug her
22 to the bedroom to commit yet another offense of first degree rape
23 upon her person and then the 5th element that the first degree
24 kidnapping was that the victim was sexually assaulted. The state
25 submits that there was and is no doubt about that.

1 Now going to the issue of the first degree rape. The issues
2 will be the same for both rape counts here, Was there vaginal
3 intercourse with the victim by the defendant. You have heard her
4 testimony of that and it was all consistent with , yes there was
5 vaginal intercourse. Was this intercourse by force? You recall
6 that Mrs Elliott testified about the knife and the blade was
7 not fully opened, it was partly open and he held that knife in
8 his hand at her and at that time he told her that she was
9 going to get cut up unless she submitted. The state contends
10 that is force, ladies and gentlemen of the jury. Was it against
11 her will? You better believe it was for she told you how she
12 fought with all of her strength, and all of her ninety pounds.
13 She fought but she was not big enough nor young enough to be
14 able to defend herself against somebody that size. Did he
15 display a dangerous weapon. The evidence supports that he did
16 for she testified to you about the knife. We do not even worry
17 about the fact that she said that he said he had a gun but she
18 didnot see the gun. Just think about the knife that he displayed
19 to her. I don't think that you will have any doubt at all that
20 these three crimes were sommitted. Look at the issues carefully
21 and decide them among yourselves and talk about them. Think
22 about your own common experiences and knowledge. What specifically
23 links these crimes with this defedant here? You heard Mrs
24 Elliott testify about describing him and about smelling the odor
25 of alcohol on his person. She said that he talked with some

1 impairment and that he was like being tongue tied. You heard
2 the defendant himself testify from the stand and you heard his
3 speech, you heard how he talked. There was a lot made about her
4 description of her attacker but she told you about a mole or
5 some growth on the side of his face around his mouth. She said
6 one time it was on the right side and then later she said on the
7 left but there was a big mole and it was close to his mouth.
8 You saw the defendant up here and he does in fact have a mole
9 on his face at the corner of his mouth. Remember she is trying
10 to describe him to the police after she had been thru these
11 experiences. It is not so important as to which side the mole
12 is on but that is a fact that he has a mole where she said it
13 was and that is consistent with what Mrs Elliott testified
14 to you about. She said that she would never forget that face.
15 That face was right over her and he was very close to her and
16 she had the opportunity to observe him very close up and that
17 she had her glasses on and that the lights were on. You heard
18 the police evidence technician say that he found the lights on
19 in the house when he arrived there. She had ample opportunity
20 to get a very good look at him. She told you that he had been
21 in the neighborhood before and had visited her neighbor and
22 the defendant admitted that he had been there but never talked
23 to her or she never talked to him prior to that evening or that
24 night. She told you she did not know the man's name but that she
25 recognized him. She testified as to the clothing that he was
dressed in that night and the defendant admitted that he had on

1 green pull over sweater and that he did wear it frequently
2 to work. He testified that he had a mustache and that he
3 did get five o'clock shadow. She testified that the person
4 needed a shave. The main item she remembered was the mole
5 for she broke a fingernail scratching at it or trying to
6 scratch it off.

7 The state contends tht we have proven each and every element
8 of each charge and that the scales are now tipped back in favor
9 of the state. Then there is one other piece of evidence that
10 is in this case. That is the hair. You heard the SBI Agent
11 talk about how he identifies hair and how no two individuals
12 have the same type hair and that this hair was consistent with
13 the hair from the defendant. Where do you think that hair came
14 from that was removed from the victim's bed where she was
15 raped the second time. How did that hair get in her bed? You have
16 heard the tetimony about that, how he took her into her bedroom
17 and raped her and that is when that hair was left in the bed
18 of the victim in this case, Mrs Elliott. The state submits the
19 only place that hair could have possibly come from is from the
20 defendant, from his head and it came from him when he was
21 assaulting this lady.

22 For these reasons and the testimony in this case, we ask
23 that you convict this defendant on all three charges. That is
24 first degree kidnapping, first degree sexual rape two counts.
25 I think the evidence has been shown beyond a reasonable doubt
that he is guilty of those crimes. Thank you.

1 (Mr Detorres argued to the jury for the defendant.)

2 (The court took a recess at 1:00 and reconvened
3 at 2:00. The jury is in open court.)

4 MR. JOHNSON: Thank you, your Honor. Mr. Detorres
5 members of the jury. Now we have all have had our lunch, I hope
6 you do not go to sleep on me. I know it is a common problem
7 after you have eaten and set down to doze off and feel what
8 you might call sleepy. I am going to talk to you for a while
9 and I know you all are getting tired, having been here four
10 days on this case from the time we commenced selecting the jury
11 and lawyers have a saying that goes, the mind can not absorb
12 more than the seat can endure. I now know that we have about
13 worn you out but I ask you please to pay attention to me for
14 just a little while longer. I assure you that what I am about
15 to say I feel are very important to be said and I want to
16 try to say things that are important and will not say anything
17 that do not need to be said any more than absolutely necessary
18 about this matter.

19 You have all heard the evidence. You listen to the evidence
20 that the state has put forth in this matter. The state is the
21 party who has the burden of proof in this case. This is a criminal
22 case and in this as in all criminal cases from traffic cases
23 up to murder cases, the burden of proof is upon the state to
24 satisfy you beyond a reasonable doubt of every one of the
25 elements of the crimes charged. We must satisfy everyone of you

1 beyond a reasonable doubt of certain things. Everyone of you
2 are reasonable people, well educated and know what those words
3 mean as you use them in your daily affairs. Just because you
4 put them into one sentence and bring them into the courtroom
5 does not change their meaning one amount and if you think about
6 it and study those words, beyond a reasonable doubt, you will
7 understand and realize that it does not mean proof beyond all
8 doubt or proof beyond the shadow of a doubt. It does not mean
9 proof that absolutely excludes every reasonable alternate way
10 that something could have happened, but it simply means proof
11 beyond a reasonable doubt that the matters are as the state
12 contends that they are. You are the voices of the reasoning
13 and you are the ones that make the decisions in the matters.
14 One of the functions of the state is to put on its case. Mr
15 Detorres is the defense lawyer and he has a duty and that is to
16 present the defendant's case. We are advocates. We deal with the
17 evidence and present it to you and you find the facts from that
18 evidence, whatever it may be. You are the people that have to
19 decide what the true facts are from the evidence that you have
20 heard. That is your sole and exclusive duty and nobody else in
21 the entire world can do that but you twelve people in this
22 particular case. When we get up here and tell you that we recall
23 things a certain way, that does not make it the gospel, you use
24 your own recollection of what the evidence was in this matter.
25 The judge also has a function and that is to see that the lawyers

1 conduct themselves by certain rules and the judge applies
2 that rules or rulings and he will give you or tell you what
3 the law is on each of the crimes we are dealing with here
4 in this case. The lawyers are able to comment on what they
5 claim the law is but again it is the duty of the judge to
6 give you the law and it is your duty to accept the law as
7 given to you by the judge and not as some lawyer has told you
8 it is or as you might like for it to be. I ask that you listen
9 very carefully when the court instructs you upon the various
10 things that the state has to prove to you beyond a reasonable
11 doubt. These are commonly called the elements of the offense
12 and the burden that I spoke about. beyond a reasonable doubt
13 only applies to those things that the judge is going to tell you
14 that the state has to prove. If the state has satisfied you of
15 the things that he tells you, one, two, three, four, five,
16 the state has proven its case beyond a reasonable doubt on that
17 particular charge and you if you have some doubt about some other
18 fact in the case, that is a reasonable doubt but does not effect
19 the state's duty to prove certain things to you beyond a
20 reasonable doubt, the elements of the crime. We are not required
21 to prove every fact in any case beyond a reasonable doubt but
22 only the existence of those elements of the crime, of the
23 offense alleged, do we have to prove to you beyond a reasonable
24 doubt.

25 In deciding what the true facts are, you must determine

1 credibility of the witnesses. Not Mr Detorres, not myself nor
2 even the judge but you folks must determine the credibility of
3 each witness who has testified before you in this matter. I
4 believe the judge will tell you something like this....not his
5 exact words, but something to this effect.....that you may
6 believe every word that a witness has told you or disbelieve
7 every word that a witness has told you or you may believe part
8 and disbelieve the rest. You are to apply the same tests of
9 truthfulness that you apply in your every day affairs in making
10 those determinations. For instance, if you can imagine yourself
11 in the situation where you have to buy an automobile sight
12 unseen and you have person "A" tell you this is a great buy.
13 you ought to jump on it or person "B" telling you that this is
14 a dog, you had better stay away from that car. You have to make
15 a decision as to which person to believe. You would want to know
16 when the person saw the car and where he saw the car and compare
17 that to what the person "A" is telling you about the car sight
18 unseen. You would want to know what relationship person "A"
19 has with the seller of the car and what relationship person "B"
20 has with the seller of the car. You would want to know what
21 person "A" knows about the car and what person "B" knows about the
22 car. There are a lot of things in your day to day affairs and
23 lives that you must take into account in making the decision about
24 believing or not believing something or things that you hear to
25 decide if someone is telling you the truth or things you consider
in making an important decision in deciding what the truth is.

1 I am not going to discuss the law with you very much
2 excpet to comment on a couple of things, First of all on the
3 kidnapping charge. we contend that there was a kidnapping by
4 removal from the living room to the bedroom by dragging Mrs
5 Elliott by the person that attacked her and that there...that
6 this was done for the purpose of committing a felony. to to
7 wit: a rape and that it was without her consent. The law of
8 North Carolina does not require you to bring a tape measure
9 and stop watch to determine the distance and time of the removal
10 but any remval regardless of how simple it may be from one
11 point to another fro the purpose of committing a felony where
12 it is not inherent in the commission of the offense id a
13 kdinapping. I submit to youthat holding someone down is restraining
14 a person and is probably in most instances inherent and a part
15 of the commission of the offense of rape but the dragging of
16 someone from one room to another room, or the removing that person
17 from one room to another room, that is not a part of the
18 commission of the offense of rape. That is the element of
19 kidnapping. We submit that you should find that the defnedant
20 is guilty of first degree kidnapping.

21 Now Mr Detorres is trying to say that this was all one rape.
22 The law of NorthCarolina provides that when a person commits
23 a separate and distinct sexual act on a person, even thought it
24 may be closely related in times, and closely related in place.
25 they are separate acts. The offense of rape if you listen to what

1 the judg will tell you, requires the state to prove penetration,
2 You have heard Mrs Elliott te1l youthat there was sexual
3 intercourse on the couch involzng penetration of her vagina
4 and that it stopped. He then removed from...removed her from
5 that place to the bedroom where he raped her again and that
6 the state says is a separate sexual act involving penetration.
7 He penetrated her on the couch and then withdrew and then
8 penetrated her again on the bed in the bedroom and that those
9 are two separate and independent act. Two offenses. The law
10 does not require proof of ejaculation.Listen to what the court
11 tells you about that and it also does not require proof that
12 her attacker left any fingerprints. It requires that he used
13 sufficient force to overcome what restraint she might make
14 and the evidence before you is in this case that he did so by
15 both size and strength of the person copared with her but also
16 by the display of a knife. Now it does not have to be a
17 completely opened knife and come in touch with her body in
18 order to be a display in connection with this offense. Somebyd
19 does not have to cut or stabbed before you can find that it
20 was a weapon displayed and used in the rape. Mrs Elliott testified
21 that these acts were against her will and that she fought back
22 with all that shehad to fight with. It was by force and against
23 her will and with the display of the knife. I suggest that you
24 should have no reasonable doubt that all three of these offenses
25 that will be submitted toyou did in fact occurr and the only real

1 question is if Willie James Grimes is the perpetrator. He has
2 brought in a bunch of people to say that he was not there and
3 that he was somewhere else. MR Detorres put this chart on the
4 board and I am going over that chart with you in a couple of
5 minutes before I get to that. I would like to say this. If
6 in judging the credibility of the witnesses, you hear something
7 that is an indication that the person is stretching the truth,
8 I think that you should ask yourself why this person would do that.
9 I point specifically to the testimony of Richard Wilson as an
10 example. You will remember Mr Wilson. He is the individual that
11 was holding the eighty dollars for the defendant. He was willing
12 to testify and tell you that he knew more than he observed and
13 that he knew that Willie Grimes left his place and that he went
14 back to Rachel Wilson's house. How does he know that? I asked
15 him, how do you know that Mr Wilson? He set there, didn't he?
16 Did somebody tell you that or did you see him go back sir? He
17 set there again. Well, Mr Wilson, and he finally said he was
18 watching him. Watching him start in the direction. Well he
19 had previously told you that he was starting a fire for ti as
20 cold and I asked if he had closed the door and he only set there.
21 He will willing to tell you more than he knows and not willing
22 to back it up because he did not personally observe it. You have
23 got to be prepared to sort thru these witnesses testimony and
24 every witness in the same fashion, because you have to determine
25 their credibility. You need to examine all of the testimony from

1 witnesses. Now on the chart up there Mr Detorres left somebody
2 off from up here. That is Betty Shuford, I believe that is her
3 name? Yes, Betty Shuford. (Mr Johnson writing on the board.)
4 She did not see the defenant until after midnight that night
5 according to her testimony. She did not speak to him after she
6 got home from church or until she got home from church. Why do
7 I say that is imprtant? Because Betty Shuford is related to
8 Rachel Wilson, Clarolyn Shuford and Lucille Shuford. You observed
9 among other things in determining who told you the truth, their
10 demeanor wher they are up here on the witness stand as well as
11 thier demeanor in the courtroom. Betty Shuford was back here in
12 this chair telling us I have not talked to Mr Detorres about
13 the case, I have not talked to Brenda Smith or Rachel Wilson
14 or Robert Wilson or anybody else about what happened that night
15 but who was back in here, in this part of the courtroom, shouting
16 cues to the witnesses on the stand during this trial. Who was
17 doing that? Betty Shuford was. I sugges that you can consider
18 that coduct in determining her credibility as a witness and the
19 credibility of other witnesses that are related to her. She
20 admitted that she is still sweet on the defendant and that they
21 dated for some six or seven years.

22 The next thing I would like to point out and talk about it
23 the time frame that MR Detorres put on this chart up here. He
24 has taled about the time from nine to ten. You will recall that
25 Mrs Elliott said that she took her emdicine at nine o'clock and

1 the attack had not occurred at that time and recall the testimony
2 of the Officer, Officer Lee, who arrived on the scene at 9:23,
3 You are talking about a very much shorter time than the time
4 from nine to ten that night that the attack took place on Mrs
5 Elliott. It in fact took place from 9:00 to 9:23 p.m. that night
6 and somewhat in front of 9:23 for her to call and talk to her
7 daughter-in-law and for her to call the police and for the
8 police officer to get out there. You are not talking about any
9 great time period when the attack actually took place. You are
10 talking about distance as well as time. You recall Rachel Wilson
11 said that from where she lived to where the defendant was residing
12 with Brenda Smith at that time is in walking distance approximate
13 twenty minutes and that it was probably ten blocks. Is that what
14 she said or something like that? You recall that? You recall
15 she said the distance from her home to where Mason lived was
16 about thirty minutes but Detective Hunt tells you that the distance
17 from where she lived to where Mason lived next to Mrs Elliott is
18 eight blocks. I suggest walking a distance of eight blocks is
19 considerable less than ten blocks that Rachel Wilson indicated
20 from her house to where the victim lived and the crimes were
21 committed.

22 Now Mr Detorres has put times on here as if they were
23 encased in granite but lets go over the times a little. Brenda
24 Smith said she left Caremont about eight o'clock and dropped
25 the defendant off at Rachel Wilson house as I recall her testimony
about 8:30. You take your own recollection if it is different but

1 Rachel Wilson also said as I recall that the defendant arrived
2 at her home at about 8:30 and that LibKing came and left about
3 nine. Lib King has as I recall testified she arrived about 8:30
4 and that she as I recall was there until about 8:50. Now Lib
5 King said that willie didnot leave while she was there between
6 eight and 8:50 and she did not see him aftr she left. She said
7 that at 8:45 Brenda Smith was blowing her horn. Carolyn Shuford
8 on the other hand indicated that she got there about 8:30 and stay
9 an hour or so and left at 9:30. Rachel Wilson said that Carolyn
10 Shuford left about 9:45. These are all abouts, probably, and
11 approximations, but Carolyn said at 9:40 I was on the phone
12 talking to the defneant from my mother's house but Lucille Shuford
13 said that she does not remember when itwas that she talked to
14 him. She does not know what time it was. Carolyn said it took
15 about ten minutes to drive from Rachel Wilson to the shuford
16 home and she left at 9:30, however do you recall Rachel Wilson
17 saying that the defnedant made three phone calls thatnight.
18 First one she said was about 9:30 to Brenda Smith. The second
19 one she said was about ten minutes to her mother which is
20 Lucille Shuford and then anothe call. You surely can begin to
21 see the probelem here with the people talking about the different
22 times when they did certain things. Youhave got people assuming
23 certain things that they don't know as as a fact and trying to
24 tell it is dependable evidence and testimony and you should
25 believe it and give it grat credibility. Again Richard Wilson

1 said that he got home to his house about 9:00 and he looked
2 at his clock and then he said it was not quite nine. I
3 don't know what that means. Does that mean 8:30 or 8:59?
4 Does it mean some time inbetween there. Now Elizabeth
5 Finger who indicated that she left her place about eight
6 also looked at the clock. Didn't she say from the time that
7 she arrived until the time that she left that Mr Grimes did
8 not go anywhere? Do I remember that evidence incorrectly?
9 Bbut what did Willie Grimes say bout that? I went out to the
10 liquor store for her. I left at 6:25 and the store was closed
11 and I stayed until sevn when they opened up again. So people
12 these witnesses are certain of things, of all the different
13 times but I say you should consider all of that testimony
14 with care and caution and examine it and determine the credibility
15 of the witnesses. I think that you can understand that people
16 see things from a different prespective and at different times
17 and in different manners in looking back at October 24 at a time
18 in the night time when they really had no reason to remember
19 that time in any detail and they they come here and want to you
20 to have you to believe what they are telling you about that.
21 I am not going over any of the other times up here with you
22 right now. You can do that as well as I can. You remember the
23 evidence relating to all of the times and where people wre
24 and what they were doing. I say to you that these people believe
25 what they told you and they have not intentionally misrepresented
anything but they all do tendency to agree. do they not that at

1 sometime in the area of nine o'clock. Willie Grimes was away
2 from Rachel Wilson's home for a time, however long. it may
3 have been. One witness said five minutes as I recall and
4 another said may be fifteen minutes and so on that he was
5 away from the home there around nine that night. You are dealing
6 with the area of the identification of the person who committed
7 these crimes and you have the victim thereof who has pointed
8 at the defendant and said that he is the person. Consider the
9 circumstances under which she saw that person. He was in her
10 own home for several minutes. Somewhere around ten to fifteen
11 minutes. The lights were on. She did have her glasses on. She
12 was face to face with him not just once but twice. If you
13 are being sexually assaulted. where is your attention going to
14 be directed? Are you not going to be looking at the face of
15 the person doing that assault and not at some other part of his
16 body or torso. Is that not the reasonable place to suspect
17 that her attention was focused at that time in question? It was
18 like a nightmare that she thought would never end. Her word against
19 the word of all of the witnesses here they have produced. You
20 say put the scale out there of one witness word against ten and
21 it will tilt to his favor? No, not really because Mrs Elliott
22 has something else on her behalf. The police did not have any
23 name of a person who attacked her until after he was arrested
24 but she told the police about the mole on his face or mark on
25 his face. Consider that she had told the police about his speech

1 and how he had a lisp that she had told them that he had been
2 in her neighborhood visiting her neighbor there. No, she didn't
3 tell them the name of Willie Grimes, for she did not know it at
4 that time. Mr Detorres would have you believe that she got
5 together with Linda McDowell and they set down and compared
6 notes and that Linda McDowell was the one that gave her the name
7 of Willie Grimes as being the person who had broken in on her
8 and raped her, and that Mrs Elliott said yes. that is him and
9 I will fix him. I ask you, does Mrs Elliott look like or
10 strike you as the kind of person who is going to say that he is
11 the man just because of some conversation that she may or may not
12 have had with Mrs McDowell. Do you think that she would say
13 that he had the mole on his face then. No, she had already told
14 the police that description of the person who attacked her. Is
15 that reasonable? Is she the kind of person that is going to do
16 that? Surely she wants the right person caught as much as the
17 state does and as much as you would if you were in her situation.
18 She had already told the police that he spoke with a lisp. No,
19 that contention that Linda McDowell gave Mrs Elliott all of this
20 information, that just simply defies logic. Mr Detorres said those
21 things did not come out until the 26th and the attack happened
22 on the 24th but you heard the evidence of the officers that came
23 in to the house and saw her on the 24th and told you how upset
24 that she was about what happened to her. Do you think that anyone
25 could set down and have an indepth detail interview with her at

1 that time or did the officers just get a little factual
2 information and try to go and start their investigation.
3 You know when officers conduct investigations, often time
4 things will happen not of their own chose and in looking back
5 they wish they had done it differently and this may be one
6 of those cases. The fact the hair was not sent off to the
7 laboratory surely is one of those things that they may have
8 done early on but that does not change the fact that the hair
9 sample here was collected from the crime scene on the night
10 of the crime. That does not change it at all and does that
11 change anything about what Mr Hamlin told you? No, it does
12 not. The officers did wait a while and may be the defendant
13 did provoke tha with his motion. Does that change the degree
14 of reliability of the identification and comparison of that
15 hair which was made. I do not think so at all and I contend
16 to you that it does not. The fingerprints that were found on
17 a couple of pieces of fruit was not placed into evidence. You
18 heard that from the state first. We did not hold that back from
19 you but consider is there any direct evidence that the attacker
20 handle those pieces of fruit. Mrs Elliott said on the way out
21 he took some fruit from the bowl. There was testimony from Officer
22 Holsclaw that there was fruit in a bowl and there was fruit laying
23 out on the table. Is it not just a logical that in getting some
24 fruit from the bowl that he knocked the other fruit ont he table.
25 Those fingerprints were not compared against Mrs Elliott prints.
they were not compared again the people that worked in the grocery

1 store where she bought those pieces of fruit. There is no
2 telling whose prints were on there and that doe snot change
3 anything in her testimony as to her attacker handling some
4 fruit

5 The hair that was found. Mr Detorres minimized that as well
6 as he could. You heard the testimony of Mr Hamlin who is an
7 expert in the identification of hair and surely he can determine
8 a hair as being from a negro person as compared to a white
9 individual andfrom other people. He was looking for a hair from
10 a negro male becuase the attacker had been described as being
11 such and you will recall that the one hair that was found and
12 wich Mr Hamlin examined was the one from the bed of Mrs Elliott.
13 He todl you about how he examines a hair in detail as to the
14 differnt parts of the hair and not with the naked eye but under
15 a powerful microscope which enables him to examine the hiar
16 in question with a known hair from a person and he told you that
17 in his opinion it was the same in characteristics as the hair
18 from the head of Willie Grimes. If he had found anything that was
19 different about the hair, his opinion wouldhave been that it
20 did not originate from the head of Willie Grimes. Even in his
21 lab report he was very careful to say that it could have come
22 from the defendant for it is still remotely possible that somewhere
23 i the world somebody else may exist with the same type of hair
24 and the defenant and Mr Detorres both urge you to say that it
25 was this other person that did the attack. Now Mr Detorres appears

1 to have misstated some of the evidence as I recall it. You
2 take your own recollection of what the evidence was and not
3 what I say it is or what Mr Detorres said it was. but I recall
4 Mr Hamlin saying that in five and half years that he has not
5 seen hair from two different people that were identical Not
6 that he had but he had not. It is somewhat like out driving
7 down the highway to meet someone at so and so and such and
8 such and they arrive by car. Well, what kind of car? There are
9 a lot of cars down this road? Well, a red car? That then
10 elimates all blue, green, yellow , brown and whatever color
11 but red. You ask the person can you tell memore? Well. it
12 has four doors. So you know now to not to look for two door
13 cars. You ask is it a Chevrolet, Buick or Pontiac or what?
14 An Oldsmobile. That would eliminate everything other car but
15 a red four door Oldsmobile. See the more information that you
16 have about the car coming down the read, the more you are able
17 to recognize it and know what you are looking for and that is
18 what Mr Hamline is looking for under the microscope when he is
19 comparing head hiars. It is such as the spoken words of Sherlock
20 Holmes whosaid, when he eliminated the impossible, whatever
21 remains. however improbable. is most surely the truth.

22 I suggest to you that it is impessible that there is in this
23 world another black male of approximately the defendant' height
24 and built with a mole on his face next to his mouth, who speaks
25 with a lisp and who was intoxicated and wearing a green sweater

1 and was in Hickory, North Carolina on the night on the night in
2 question, that it is not just unlikely, but impossible based on
3 the evidence that you have here before you today in this case.
4 I contend to you that Willie Grimes is the person that was
5 there that night. I suggest that you consider and examine very
6 carefully the reliability of the people who testified here
7 today and I say that you will find that it was not as Mr
8 Detorres has tried to tell you impossible for Mr Willie Grimes
9 to have committed this crime in light of the description given
10 by Mrs Elliott and the hair found at the crime scene and that
11 you should have no reasonable doubt at all that he is in fact
12 the one that committed these crimes and I ask you to find him
13 guilty as charged on all counts. Thank you.

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TUESDAY, JULY 12, 1988

MR. JOHNSON:- Your Honor, at this time we're prepared to proceed with sentencing in the case of State against Willie Grimes that was tried last week. For the court reporter, marginal entry forty-eight, forty-nine, and fifty. The cases are 87 CRS 13541, 13542, 13544. The State has no new evidence to present at sentencing, Your Honor.

THE COURT:- Mr. DeTorres, do you care to be heard or present any evidence?

MR. DETORRES:- Yes, sir, we would not be presenting any evidence but I would like to make a couple motions at this time.

THE COURT:- All right.

MR. DETORRES:- Yes, sir, the first -- again, like to move to dismiss the charges against the defendant as the evidence was insufficient to submit the issue to the jury.

THE COURT:- Motion DENIED.

MR. DETORRES:- The next I'd like to move the Court to set aside the verdict as contrary to the weight of evidence as presented at the trial.

THE COURT:- Motion DENIED.

MR. DETORRES:- Your Honor, next I would like to -- that's all the motions I have at this time. I'd like to -- I have a couple of additional motions to make after the actual sentencing.

1 THE COURT:- All right. I'll hear you. What did
2 you say again?

3 MR. DETORRES:- Yes, sir, I will have -- I have two
4 additional motions to make after the actual sentencing.

5 THE COURT:- All right. In 87 CRS 13542, first
6 degree rape, consolidate under the 87 CRS 13544 for
7 sentencing. It's ORDERED, ADJUDGED, DECREED he be imprisoned
8 in the North Carolina Department of Corrections for a period
9 of his natural life. How much credit for time served does he
10 have?

11 MR. DETORRES:- He has been in jail since October
12 27th of 1987.

13 THE COURT:- Can you convert that into days for me?

14 MR. DETORRES:- Yes, sir, if you'll give me an
15 opportunity.

16 THE COURT:- He shall be given credit for the
17 number of days certified by his attorney. In 87 CRS 13541,
18 first degree kidnapping, Class D Felony, it's ORDERED and
19 ADJUDGED he be imprisoned in the North Carolina Department of
20 Corrections for a period of twenty years. That sentence to
21 commence at the expiration of the sentence imposed in 87 CRS
22 13542 and to run consecutively thereto coming out of Catawba
23 County. Credit for time served as time applied to the first
24 case. All right, sir, I'll hear the motions now.

25 MR. DETORRES:- Briefly for the record, it's 229

1 days.

2 MR. JOHNSON:- I got 259.

3 MR. DETORRES:- You're right, 259. I left out
4 November of '87. 259 days.

5 THE COURT:- Credit for 259 days on the
6 consolidated first degree rape charges.

7 MR. JOHNSON:- Your Honor, may counsel approach the
8 bench?

9 (Counsel approach bench.)

10 THE COURT:- Strike out the judgment in the first
11 degree kidnapping. The Court, in accordance with the law of
12 the State of North Carolina, arrests judgment on the first
13 degree kidnapping; will sentence the defendant in second
14 degree kidnapping, Class E Felony, is that correct?

15 MR. JOHNSON:- I believe that's correct.

16 MR. DETORRES:- Yes, sir, second degree is Class E
17 Felony.

18 THE COURT:- Stand up please, sir. Under the
19 second degree kidnapping, it's ORDERED and ADJUDGED he be
20 imprisoned for a period of nine years to commence at the
21 expiration of the sentence imposed in consolidated cases of
22 87 CRS 13542 and 13544 imposed this day in Catawba County and
23 to run consecutively therewith. The Court, having imposed
24 the presumptive sentence on second degree kidnapping, Court
25 makes no findings of aggravating or mitigating factors.

1 MR. DETORRES:- Yes, sir, at the completion of the
2 sentencing, we would like to respectfully enter a NOTICE OF
3 APPEAL to the North Carolina Supreme Court. In connection
4 with that, since the defendant is indigent and has been
5 incarcerated close to nine months now and has no funds with
6 which to hire an attorney to prosecute his appeal, I would
7 like the Court to enter an order indicating the defendant is,
8 indeed, truly indigent and proceed to have counsel appointed
9 to prosecute his appeal.

10 THE COURT:- Would you approach the bench?
11 (Counsel approach bench.)

12 THE COURT:- Upon Notice of Appeal, the defendant
13 is allowed ninety days to make up case on appeal. The State
14 is allowed sixty days thereafter. No bond. Court finds the
15 defendant to be indigent, having been incarcerated for
16 approximately nine months. In its discretion appoints
17 Mr. DeTorres to perfect the defendant's appeal as an indigent
18 and he is to prepare the necessary documents for the
19 production of the transcript and other necessary documents.

20 MR. DETORRES:- Yes, sir, if you'd just direct that
21 I would need a transcript from both court reporters so we
22 have a complete record of the proceedings.

23 THE COURT:- Yes, sir.

24 MR. DETORRES:- Your Honor, next I would like to
25 move the Court to be allowed access to the physical evidence

1 that was introduced and used in this trial. In
2 particularity, the hair, blood, the swabs from the victim's
3 rape kit that were initially used, as well as the evidence of
4 fingerprints that was mentioned in the trial. We would like
5 to move, pursuant to the discovery statutes, to be allowed to
6 examine and test those exhibits to be -- as to the exhibits
7 that were introduced. We would like to move the Court for
8 sufficient funds with which to hire a forensic expert and
9 laboratory to conduct such testing on behalf of the defendant
10 in order to use such in a motion for -- in any motion for
11 appropriate relief before the North Carolina Supreme Court.
12 As to the fingerprints, we would not only like to have access
13 to the fingerprints that were found at the scene and also
14 fingerprints taken of the defendant and would like the Court
15 to move to be allowed to take the fingerprints of the victim,
16 Carrie Lee Elliott, for the purpose of excluding that her
17 fingerprints from those found on the scene in possession of
18 the State. Lastly, as to the fingerprints, that we may be
19 allowed to -- or have the cooperation of the State in sending
20 the copies of the prints that were obtained on the scene to
21 the FBI for comparison and possible match, see if they have a
22 match of those fingerprints in their records.

23 THE COURT:- State care to be heard?

24 MR. JOHNSON:- Your Honor, this is a very unusual
25 request to the extent that I've never heard a similiar

1 request in almost eleven years as a prosecutor. Discovery
2 and testing of evidence is a pre-trial type of exercise.
3 It's not something you do once the case is tried and the
4 verdict's in. It just seems to me like we're kicking a dead
5 horse here.

6
7 MR. DETORRES:- Your Honor, we remind the Court
8 that I did move for discovery months ahead of time and the
9 first mention I had of fingerprints was when that evidence
10 was introduced at trial. Never seen that evidence, never
11 been provided, never even knew such evidence existed until
12 trial and therefore, since that is the type of evidence that
13 can be exclusive, like to be able to have access to that and
14 see if, indeed, it could exclude as the evidence -- those
15 fingerprints were testified to were not the defendant's
16 fingerprints. I would like the opportunity to see if we can
17 discover whose fingerprints that is. Throughout this trial
18 we have maintained the defendant's innocence. I would like
19 to pursue that in the appeal as well.

20 THE COURT:- I'll have to admit the first time --
21 let me take that under advisement. Do you need Mr. Grimes
22 here for any purpose?

23 MR. DETORRES:- No, sir, I do not.

24 ----*----
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1 STATE OF NORTH CAROLINA
2 COUNTY OF CATAWBA

C E R T I F I C A T E

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6 This is to certify that the foregoing transcript of
7 proceedings taken at the July 11, 1988 Session of Superior
8 Criminal Court is a true and accurate transcription of the
9 proceedings taken by me in machine shorthand and transcribed
10 by me personally.

11 This the 15th day of July, 1988.

12

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16

17

SUSAN P. HARRIS
Commissioner and Notary Public
Route 2 Box 503
Lincolnton, North Carolina 28092
Phone: (704) 428-2046

18

19

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21 My Commission Expires:

22 January 10, 1992.

23

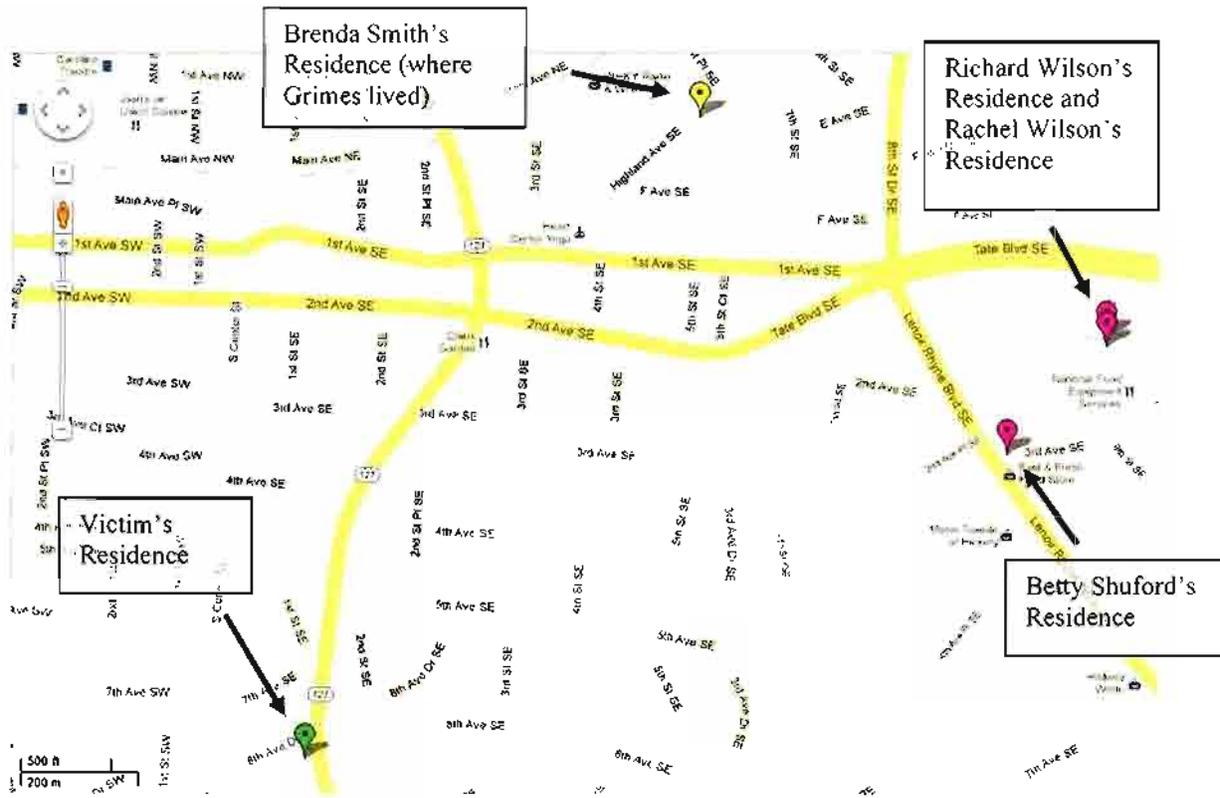
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Appendix K

**Map of Area Described in Testimony Created by
Commission Staff**

HICKORY, NC – STATE v. GRIMES (87 CRS 13541-42)
(created on March 16, 2012, for Commission's Brief)



Appendix L
Denver Post Newspaper Article

denverpost.com

THE DENVER POST

pounds in 1987. He worked at a dye company near Hickory. His only prior offense — drunken driving.

When he learned there were warrants for his arrest, he hitched a ride to the police department to ask why.

"I haven't did anything," he says he told them. "I'll take a lie-detector test."

From 8:30 p.m. to 12:15 a.m. the night of Elliott's attack, Grimes and five witnesses said he was at the homes of his friend Rachel Wilson and her neighbor a few doors down. He did not have a car. His defense lawyer argued it would have been impossible for him to make the 30-minute walk to Elliott's place and another 30-minute walk back given five witnesses' consistent testimonies putting him at the get-together all evening.

Grimes' roommate testified that she saw him shave the morning before the rape

His former girlfriend, Betty Shuford — whose home he slept at that night — said he had no scrapes or scratches, including on the mole so prominent on his mouth.

Shuford and Rachel Wilson are sisters of McDowell, who pointed the finger at Grimes

"She just got the wrong person, mixed up," Shuford says of McDowell. "She's the sort of person who would accuse somebody's who's innocent. She's my sister, so it's hard. But everybody knows he didn't do it."

McDowell, for her part, says she doesn't remember details of the case.

"All I know is he went away," she says. "It's over and done with now."

Before trial, Elliott was shown a photo array that she had seen twice before. She testified that she

did not see her attacker among the photos, which including a picture of Grimes. "Hard to see any difference" between the six African-American men photographed, she said.

Asked to identify Grimes in court, she pointed to his defense attorney.

The evidence technician for the Hickory Police Department testified at trial that two fingerprints were collected from fruit on Elliott's table. Neither matched Grimes.

The only physical evidence prosecutors used against him was a single hair. Out of the 100 hair fragments taken from Elliott's bed, eight were sent to North Carolina's crime lab for testing, and one was deemed sufficient to be analyzed.

Although law enforcement relied heavily on microscopic hair analysis before the DNA era, such tests since have been debunked by some experts as a junk science that falsely assumes that no two specimens are alike. Analysis of FBI data show error rates range from 10 to 35 percent.

At trial, an SBI forensic chemist testified the hair was "microscopically consistent" with Grimes "and accordingly this hair could have originated

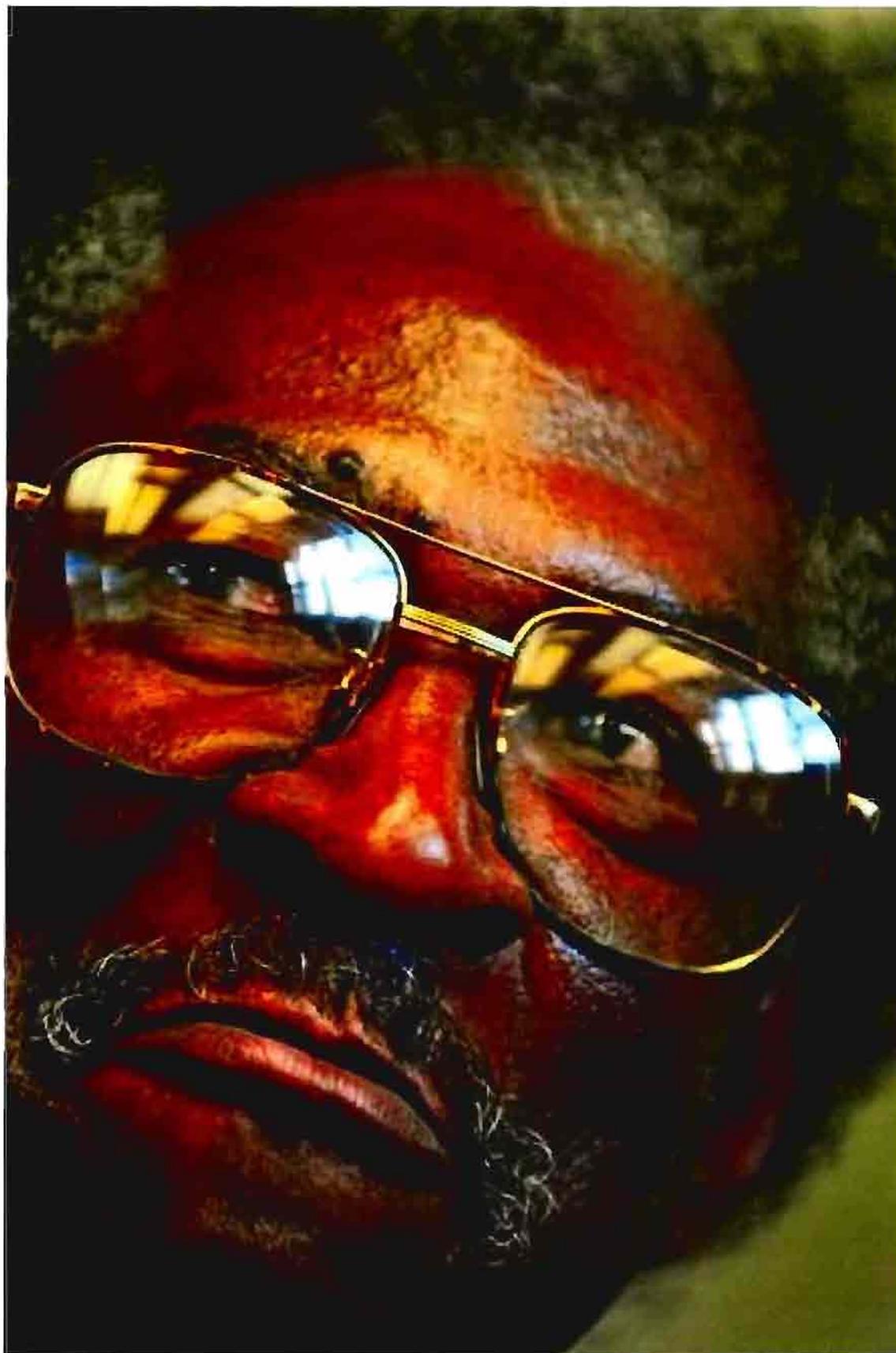
Send flowers
for any occasion



Bouquets
from \$19.99^{+s/h}



Proflowers
Offer ONLY available at
proflowers.com/happy
or call 1.877.804.1133



Because a court clerk threw away the evidence from his case, Grimes is unable to appeal his rape conviction as he serves a life sentence at Caledonia Correctional Institution in Tillery, N.C. He was convicted 19 years ago, largely on the basis of pre-DNA-era analysis of a hair a method that many now call junk science. Grimes, 60, insists he is innocent. (THE DENVER POST | RJ SANGOSTI)